



**1997**

# ***Illinois Register***

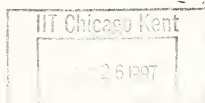
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## **Rules of Governmental Agencies**

Volume 21, Issue 34—August 22, 1997

Pages 11,625 - 11,828

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Administrative Code Div.  
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**TABLE OF CONTENTS**  
August 22, 1997    Volume 21, Issue 34

**PROPOSED RULES**

PROFESSIONAL REGULATION, DEPARTMENT OF	
The Illinois Speech-Language Pathology And Audiology Practice Act	
68 Ill. Adm. Code 1465 .....	11625
PUBLIC HEALTH, DEPARTMENT OF	
Visa Waiver Program For International Medical Graduates	
77 Ill. Adm. Code 591 .....	11627
SECRETARY OF STATE	
Regulations Under Illinois Securities Law Of 1953	
14 Ill. Adm. Code 130 .....	11636

**ADOPTED RULES**

NATURAL RESOURCES, DEPARTMENT OF	
Dove Hunting	
17 Ill. Adm. Code 730 .....	11700
Duck, Goose And Coot Hunting	
17 Ill. Adm. Code 590 .....	11713
Wrongful Tree Cutting	
17 Ill. Adm. Code 1585 .....	11747
PROFESSIONAL REGULATION, DEPARTMENT OF	
Respiratory Care Practice Act	
68 Ill. Adm. Code 1456 .....	11751
SECRETARY OF STATE	
Literacy Grant Program	
23 Ill. Adm. Code 3040 .....	11767
The Illinois Library System Act	
23 Ill. Adm. Code 3030 .....	11774

**EMERGENCY RULES**

PROFESSIONAL REGULATION, DEPARTMENT OF	
The Illinois Speech-Language Pathology And Audiology Practice Act	
68 Ill. Adm. Code 1465 .....	11785

**PEREMPTORY RULES**

AGRICULTURE, DEPARTMENT OF	
Meat And Poultry Inspection Act	
8 Ill. Adm. Code 125 .....	11788

**NOTICE OF PUBLIC INFORMATION**

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

Notices Of Unclaimed Property .....11795

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Second Notices Received .....11824

**EXECUTIVE ORDERS AND PROCLAMATIONS**

**PROCLAMATIONS**

97-415 Drug-Free Youth Days .....11825  
97-416 Etta Moten Barnett Day .....11825  
97-417 U.S. Department of Veterans Affairs Public  
Affairs Recognition Week .....11826  
97-418 American Education Week .....11826  
97-419 Respect Life Week .....11827  
97-420 Black on Black Love (BOBL) Commended .....11827  
97-421 Hispanic Illinois State Law Enforcement Day .....11827  
97-422 Illinois Recycles Day .....11828

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

\* Monday

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3) Section Numbers:                      Proposed Action:  
1465.75                                      New Section

4) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-69, effective July 8, 1997, includes the reauthorization of the Illinois Speech-Language Pathology and Audiology Practice Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. There have been no changes to the statutory fees for application or renewal of licenses. However, various processing fees have been changed from \$10 to \$20.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
350 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing speech-language pathology or audiology services.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance:  
Speech-language pathology or audiology skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment for this Part appearing on page                      of this issue of the Illinois Register.

11705

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates

- 2) Code Citation: 77 Ill. Adm. Code 591

- 3) Section Numbers: Proposed Action:

591.10 New Section  
591.20 New Section  
591.30 New Section  
591.40 New Section  
591.110 New Section  
591.120 New Section  
591.130 New Section  
591.140 New Section

- 4) Statutory Authority: Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184) 22 CFR 514

- 5) A. Complete Description of the Subject and Issues Involved: This Part implements Section 1182(e) of the Federal Immigration and Nationality Act, which allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area in Illinois, the Illinois Department of Public Health may request that the graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized to request up to 20 J-1 Visa Waivers annually for eligible physicians. The proposed rules will provide the Department's application and selection process applicable to the Visa waiver program.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes

- 9) Are there any other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not require new or additional expenditures by any unit of local government.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Register to:

Gail M. Devito, Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
E-mail: Rules@DPH.State.IL.US

- 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses Affected: None

- B) Regulating, Bookkeeping or Other Procedures Required for Compliance: None

- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking does not appear on the most recent regulatory agenda because the need for this rulemaking was not apparent when the most recent regulatory agenda was finalized.

The full text of the Proposed Rules appears on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
 CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER 1: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL  
 MEDICAL GRADUATES

## PART 591

## VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

## SUBPART A: GENERAL PROVISIONS

## Section

591.10 Applicability

591.20 Definitions

591.30 Incorporated or Referenced Materials

591.40 Administrative Hearings

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

## Section

591.100 Participation Eligibility of Physicians and Facilities

591.110 Application Submission Timeframes

591.120 Application Materials and Processing

591.130 Selection Process

591.140 Terms of Performance

AUTHORITY: Authorized by and implementing Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) and Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184), and 22 CFR Part 514, the Final Rule of the U.S. Information Agency, Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program.

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 591.10 Applicability

This Part implements Section 1182(e) of the Federal Immigration and Nationality Act, which allows state health departments to request a waiver of the J-1 visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized to request up to 20 J-1 visa

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## Waivers annually for eligible physicians.

- a) The provisions of this part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all sections of the Part.
- b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.

## Section 591.20 Definitions

"Act" means the Immigration and Nationality Act (8 U.S.C. 1182(e) and 8 U.S.C. 1184(k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the federal Public Health Service Act (42 U.S.C. 254b, 254c, and 256), respectively, or federally qualified health center Look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Full time practice" means maintaining office hours for patient care which equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in Table 9 of the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1995."

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, Bureau of Primary Health Care, Division of Shortage Designation. The HPSA designation for primary care physicians is based on the ratio of physicians in the specialties of family practice, general internal medicine, general pediatrics, and obstetric-gynecology and is used to identify areas needing additional primary care physicians. The list of HPSAs is published periodically in the Federal Register, most recently on December 31, 1996.

"Medical facility" means a facility for the delivery of health services and includes:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

a community health center, public health center, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health services under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other Federal medical facility.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1967 [225 ILCS 60] with a specialty in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

## Section 591.30 Incorporated or Referenced Materials

The following materials are incorporated or referenced in this part:

- a) The following Illinois statutes and rules are referenced in this Part: Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- b) The following Federal statutes and regulations are incorporated in this Part:
  - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 556 (1991)).
  - 2) Medicare and Medicaid Reimbursement for Health Care Services, Foreign Medical Graduates, Exchange Visitor Program (22 CFR Part 514, Rulemaking No. 115).
- c) All incorporations by reference of Federal statutes and regulations refer to materials on the date specified and do not include any

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

additions or deletions subsequent to the date specified.

## Section 591.40 Administrative Hearings

All administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

## Section 591.100 Participation Eligibility of Physicians and Facilities

a) Physicians eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:

- 1) have entered into an employment contract with a facility located in an HPSA with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties;
  - 2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology; and
  - 3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties are indicated in the application of the physician seeking participation in this Program.
- b) Facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:
- 1) be located in a geographic HPSA, be designated as a facility HPSA, or serve a population group HPSA, and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; or
  - 2) in urban areas, be a not-for-profit facility or a public facility.

## Section 591.110 Application Submission Timeframes

- a) Applications for each Federal fiscal year will be accepted initially between October 1 and October 30 of each year.
- b) If all 200 Visa Waivers are not identified from the applications received between October 1 and October 30, applications will be accepted again between January 1 and January 30, if necessary, and April 30, if necessary; and between April 1 and July 30, if necessary.
- c) Applications for employment contracts for employment start dates, as specified in the employment contracts, that are more than nine months after the date the application is submitted to the Department.

## Section 591.120 Application Materials and Processing



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- a) Application materials are available from, and should be returned to, the following address:

J-1 Visa Waiver Program  
Illinois Department of Public Health  
Center for Rural Health  
535 West Jefferson Street  
Springfield, Illinois 62761

- b) The application materials to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:
- 1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement with the international medical graduate, and the impact on the facility and the program it serves if the home country residency requirements are waived;
  - 2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and a statement that the physician will practice full-time in the HPSA identified in the contract;
  - 3) statement from the employing health care facility or agency that the salary or other form of financial support offered to that international medical graduate is at a level equivalent to that offered to all other physicians recruited by the health care facility;
  - 4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate and that no admissions of the international medical graduate's patients will be arranged;
  - 5) letter of support for the visa requirements waiver from a local organization or agency such as the chamber of commerce, local health department, or other community-based organization;
  - 6) copy of the applicant's Illinois medical license or application for an Illinois medical license, the latter submitted to the Illinois Department of Professional Regulation sufficiently in advance of the employment beginning date to reasonably expect the license to be granted prior to the nine month deadline described in Section 591.110(c);
  - 7) completed United States Information Agency Data Sheet;
  - 8) copy of international medical graduate's curriculum vitae;
  - 9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(K)(1)(B) and (C) of the Immigration and Nationality Act;
- 11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;
- 12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;
- 13) completed and notarized Certification Statement D regarding accuracy of application materials; and
- 14) completed and notarized Certification Statement E regarding specific statements made by the applicant.
- c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.

## Section 591.130 Selection Process

- a) In the first and second calendar quarters of the Federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had their applications approved may apply for additional waivers. Facilities that have not previously had their applications approved will be given priority to applications from facilities that have not previously had waivers approved.
- b) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care specialty vacancies at the facility offering employment to the physician.
- c) Applications received in the first and second calendar quarters of the Federal fiscal year will not be considered if the addition of the international medical graduate will increase the number of primary care physicians beyond the number needed to eliminate the health professional shortage area designation for the geographic area, facility or population group.
- d) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- e) The Department will consider Visa Waiver applications only from urban facilities as long as the U.S. Department of Agriculture continues to accept applications from rural facilities. If the U.S. Department of Agriculture no longer accepts any Visa Waiver applications, the Department will accept applications from rural applicants.
- f) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture processes waiver applications from rural facilities:
- 1) in each of the first and second calendar quarters of the federal fiscal year, urban-based community health centers will be eligible to receive, but will not be limited to, a cumulative minimum of three waivers.
  - 2) in the first and second calendar quarters of the federal fiscal year, urban-based community health centers will be eligible to receive, but will not be limited to, a cumulative minimum of three waivers.
- g) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture no longer is processing waiver applications from rural facilities:
- 1) in such quarters and if sufficient applications are received, the Department will reserve one half of the available waivers for rural facilities;
  - 2) if sufficient applications are received, 25 percent of the approved waivers will be reserved for downstate urban facilities;
  - 3) in the first and second calendar quarters of the federal fiscal year, community health centers statewide will be eligible to receive, but will not be limited to, a cumulative minimum of four waivers.

## Section 591.140 Terms of Performance

- a) Each six months subsequent to the date of the granting of the J-1 waiver by the U.S. Department of Justice, the Department of Public Health shall request written verification of the full-time practice of the international medical graduate in the health professional shortage area originally identified in the waiver application.
- b) If at any time the international medical graduate fails to practice on a full-time basis in the approved shortage area, the Department will notify the Immigration and Naturalization Service of the physician's breach of obligation.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 130.110                 | Amend                   |
| 130.120                 | Amend                   |
| 130.130                 | Amend                   |
| 130.142                 | Repeal                  |
| 130.145                 | Amend                   |
| 130.200                 | Amend                   |
| 130.211                 | Amend                   |
| 130.234                 | Repeal                  |
| 130.235                 | Repeal                  |
| 130.242                 | Amend                   |
| 130.246                 | Amend                   |
| 130.280                 | Amend                   |
| 130.281                 | New                     |
| 130.420                 | Amend                   |
| 130.440                 | Amend                   |
| 130.442                 | Amend                   |
| 130.520                 | Amend                   |
| 130.530                 | Amend                   |
| 130.620                 | Amend                   |
| 130.805                 | Amend                   |
| 130.806                 | New                     |
| 130.810                 | Amend                   |
| 130.822                 | Amend                   |
| 130.823                 | Amend                   |
| 130.824                 | Amend                   |
| 130.832                 | Amend                   |
| 130.838                 | New                     |
| 130.839                 | New                     |
| 130.840                 | Amend                   |
| 130.841                 | Amend                   |
| 130.842                 | Amend                   |
| 130.843                 | New                     |
| 130.845                 | Amend                   |
| 130.852                 | Amend                   |
| 130.853                 | Amend                   |
| 130.854                 | Amend                   |
| 130.873                 | Amend                   |
- 4) Statutory Authority: 815 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved:
- Section 130.110 Payment of Fees is amended to revise securities

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

registration and filing fees, authorize notification filing fees and renewal fees for Federal Covered Investment Advisers, registration fees for representatives of Federal Covered Investment Advisers, investment fees for Federal Covered Investment Advisers, other fees for Federal Covered Investment Advisers, the fees for Federal Covered Investment Advisers and Investment Representatives of Federal Covered Investment Advisers and Investment Advisers, and delete the reference to the Investment Adviser Examination fee.

Section 130.110(e) is amended to provide that fees that are paid within \$5.00 of the actual amount due are acceptable when the fee requires a calculation.

Section 130.120 is amended to authorize filing of registrations, exemptions, and certain notices in both the Springfield and Chicago offices. The amendment also authorizes facsimile and electronic filing for such filings.

Section 130.130(a)(4) is added to define the date when an electronic message is deemed filed.

Section 130.142 is repealed.

Section 130.145(c) is added to set forth the signature requirements for electronic and facsimile filings.

Section 130.200 is amended to add the definitions of "place of business" and "State Bond Mortgage Company".

Section 130.211 is amended to expand the definition of "acts of a salesperson or dealer that do not constitute an offer of securities".

Sections 130.234 and 130.235 are repealed.

Section 130.242 is amended to delete a reference to Section 4D which is no longer applicable.

Section 130.245(e) is added to clarify that the terms "general advertising" or "general solicitation" do not include certain announcements delivered through an electronic database when access is restricted to accredited investors.

Section 130.280 is amended to delete references to investment adviser branch offices to be consistent with a new federal definition of investment adviser branch offices.

Section 130.281 is added to adopt the new definition of investment adviser and federal covered investment branch offices provided in federal law.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 130.420 is amended to delete references to Rule 506 offerings, and to add Securities and Exchange Commission orders as grounds for denying a Uniform Limited Offering Exemption.

Section 130.440 is amended to revise the Section 4G Report of Sale filing procedures. It provides for one filing no later than twelve months after the date of the first sale and certain attestations for the filing party. It also deletes the formula for calculating the fee, and provides for a flat fee.

Section 130.442 deletes the requirement for the total amount of securities sold and the names and addresses of purchasers to be listed on the Section 4G Report of Sale. The Section is amended to add a reporting requirement for the date of the initial sales of securities to residents of the State of Illinois for the current reporting period.

Section 130.520 is amended to delete the required filing of consent to service of process, articles of incorporation and by-laws, permit the filing of applications in Chicago and require notice of SEC effectiveness for offerings filed under Regulation A of the Federal 1933 Act.

Sections 130.530 and 130.630 are amended to increase the number of days prior to the expiration within which a renewal application must be filed without requiring a late fee to be consistent with the Act.

Section 130.805 is amended to adopt the federal definition of the number of clients allowed in 12 consecutive months before registration is required.

Section 130.806 is added to authorize investment advisers, federal covered investment advisers and investment adviser representatives to place information on the Internet regarding their advisory services.

Section 130.810 is amended to delete the required filing of forms designating the dealers accountant and audit date, subordinated loan agreement, articles of incorporation, by-laws and a copy of Form BD by member firms of a registered self-regulatory organization.

Section 130.822 is amended to update examination requirements for designated principals of a dealer.

Section 130.823 is amended to authorize a procedure for the waiver of examination requirements for investment adviser representatives and principals.

Section 130.824 is amended to delete the required filing of financial statements of dealers that file if the financial statement is filed with a registered self-regulatory organization.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 130.832 is amended to update examination requirements for salespersons.

Section 130.838 is added to develop procedures for the notification filing and fees of Federal Covered Investment Advisers. The Illinois Securities Act has been amended to authorize notification filing of Federal Covered Investment Advisers and the collection of fees.

Section 130.839 is added to develop procedures for the registration of investment adviser representatives. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.840 is amended to delete required filing of consent to service of process, Form 8-D(10) or Schedule D, listing the audit date and attestation that applicant has read and understands the Act and Rules; and requires the filing of only page one of the most recent articles of incorporation or other document showing the legal name of the applicant and Form U-9 for each investment adviser representative.

Section 130.841 is amended to set forth the branch office reporting requirements for Federal Covered Investment Advisers.

Section 130.842 is amended to update examination or education program requirements for designated principals of investment advisers.

Section 130.843 is added to set forth examination or education program requirements for registration of investment adviser representatives.

Section 130.845 is amended to remove Illinois books and records requirements for investment advisers that are in compliance with the applicable books and records requirements of the state in which the investment adviser is registered or licensed and maintains its principal place of business.

Sections 130.852, 130.853 and 130.854 are amended to also apply to the representatives of investment advisers of the Illinois Securities Act who are authorized to authorize the registration of investment adviser representatives.

Section 130.873 is amended to abandon all pending investment adviser representative applications with the investment adviser application.

6) Will these proposed amendments replace existing rules currently in effect? Yes

130.110 Amend  
130.280 Amend

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

New  
130.281  
Amend  
130.803  
Amend  
130.804  
New  
130.838  
New  
130.839  
Amend  
130.841  
New  
130.843  
Amend  
130.845  
Amend  
130.852  
Amend  
130.853  
Amend  
130.854

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
130.1102	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1104	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1107	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1109	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1110	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1111	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1114	Repeal	July 11, 1997, 21 Ill. Reg. 8861
130.1115	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1118	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1123	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1124	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1126	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1129	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1130	New	July 11, 1997, 21 Ill. Reg. 8861
130.1131	New	July 11, 1997, 21 Ill. Reg. 8861

10) Statement of Statewide Policy Objectives: To implement changes in response to the National Securities Markets Improvement Act of 1996 and amendments to the Illinois Securities Law found in Public Act 90-70.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Name: Theresa Oxtoby  
Address: Illinois Securities Department  
520 South Second Street, Ste. 200  
Springfield, Illinois 62701  
217/524-8040

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected by the proposed amendments include investment advisers, federal covered investment advisers, investment adviser representatives and persons registering securities.

B) Reporting, bookkeeping or other procedures required for compliance: Some of the amendments will reduce reporting and bookkeeping requirements.

C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 14: COMMERCE

## SUBTITLE A: REGULATION OF BUSINESS

## CHAPTER 1: SECRETARY OF STATE

## PART 130

## REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

Section  
130.100  
130.101  
130.110  
130.120  
130.130  
130.135  
130.140  
130.141  
130.142  
130.143  
130.144  
130.145  
130.190

Business Hours of the Securities Department  
Computation of Time  
Payment of Fees  
Place of Filing  
Date of Filing  
Registration of Securities under Section 5 or 7 of the Act Utilizing the SKD  
Requirements as to Proper Form  
Additional Information  
Additional Exhibits (Repealed)  
Information Unknown or Not Reasonably Available  
Requirements as to Paper, Printing, and Language  
Number of Copies--Signatures  
Provisions for Granting of Variance from Rules

## SUBPART B: DEFINITIONS

Section  
130.200  
130.201  
130.202  
130.205  
130.210  
130.211  
130.212  
130.215

Definitions of Terms Used in the Act and the Rules  
Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act  
Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Leases, Rights or Royalties  
Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties  
Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act  
Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 and Registration of an Entity for Purposes of Section 8 of the Act  
Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)  
Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions

130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.5 of the Act

130.221 Adviser in Section 2.11 of the Act

130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act

130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)

130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)

130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act

130.242 Definition of the Term "Financial Institution" under Section 4C and 4D of the Act

130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(P)(1) of the Act

130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.P of the Act

130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4G 4f6) of the Act and "General Advertising or General Solicitation" Under Sections 4G 4f6), 4H 4f7), 4H 4f8), and 4H 4f9) of the Act

130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act

130.248 Action of the Terms "Offers for Sale" and "Solicitations of Offers to Buy" as Used in Section 4.P of the Act

130.250 Denomination, For Certain Purposes, of the Terms "Commissions, Remission or Discounts", as Used in Section 4 and Section 5 of the Act

130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act

130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act

130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser as Used in Section

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

9 of the Act

130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.3(f) of the Act

130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Deceive", "Fraudulent", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act

130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.P of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or to Pay Fees

Automated Quotation System Deemed to be Publicly Equivalent Standard for Designation as Required by One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Uniform Limited Offering Exemption Pursuant to Section 4-D of the Act

Procedures for Applying for Trading Authorization Pursuant to Section 4(P)(2) of the Act

Procedures for Filing Reports of Sale under Section 4G 4f6) of the Act

Calculation of Number of Persons Under Section 4.G or 4.W of the Act

Report of Sale of Securities pursuant to Section 4G 4f6) of the Act

Procedures for Filing Reports of Sale under Section 4(P) of the Act

Report of Sale of Securities pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Title of Securities

Financial Statement Requirements

Disclaimer of Control

Formal Requirements as to Consents

Consents Required in Special Cases

Application to Dispense with Consents

Consent to Use of Material Incorporated by Reference

Procedures for Registration of Securities by Coordination under Section 5.A of the Act



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

130-520 Procedures for Registration of Securities by Qualification under  
 130-525 Section 5.6 of the Act, Small Company Offering Registration  
 ("SCOR") on Form U-7  
 130-530 Renewal of Registration of Securities Under Section 5.6 of the  
 Act  
 130-531 Registration of Fees  
 130-532 Capitalization of Additional Securities Pursuant to Section 5(C)(2) of  
 the Act  
 130-533 Formal Requirements for Amendments Under Section 5 of the Act  
 130-534 Powers to Amend or Withdraw Registration Statement  
 130-535 Signatures of Amendments  
 130-536 Delaying Amendments  
 130-538 Withdrawal of Registration Statement, Amendment or Exhibit Filed  
 Under the Federal 1933 Act.  
 130-540 Procedure with Respect to Abandoning Registration Statements,  
 Applications for Trading Authorizations and Post-Effective  
 Amendments  
 130-550 Additional Fees Under Section 5 of the Act  
 130-570 Availability of Prospectuses  
 130-571 Presentation of Information in Prospectuses  
 130-572 Summaries or Outlines of Documents  
 130-573 Preparation of Application for Registration  
 130-574 Incorporation of Certain Information by Reference  
 130-575 Form of and Limitation Upon Incorporation by Reference  
 130-576 Statement Required in Prospectuses  
 130-577 Prospectuses Supplementing Preliminary Material Supplied Previously  
 130-578 Application of Amendments to this Part Governing Contents of  
 Prospectuses  
 130-581 Statement as to Stabilizing Required in Prospectuses Filed Under  
 Section 5.8 of the Act  
 130-582 Contents of Prospectus When Two or More Registrations Are in Effect  
 Under Section 5.8 of the Act  
 130-590 Voluntary Withdrawal of Securities  
 130-591 Requirements as to Approvals  
 130-592 Omission of Substantially Identical Documents  
 130-593 Incorporation of Exhibits by Reference

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section  
 130-600 Preamble  
 130-610 Procedures for Registration of Face Amount Certificate Contracts by  
 Coordination Under Section 6-A of the Act  
 130-620 Renewal of Registration of Face Amount Certificate Contracts Under  
 Section 6F of the Act  
 130-650 Additional Fees Under Section 6 of the Act

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART G: INVESTMENT FUND SHARES

Section  
 130-700 Preamble  
 130-701 Title of Investment Fund Shares Registered Under Section 5 or 7 of  
 the Act  
 130-710 Procedures for Registration of Investment Fund Shares by  
 Coordination Under Section 7-A of the Act  
 130-715 Amendatory Statement for the Registration of Additional Class or  
 Classes or the Reporting of a Change in Organization or Operations  
 Pursuant to Section 7(D) of the Act  
 130-730 Renewal of Registration of Investment Fund Shares Under Section 7(G)  
 of the Act  
 130-750 Additional Fees Under Section 7 of the Act  
 130-771 Acts which "Work or Tend to Work a Fraud or Deceit", in Connection  
 with Offers, Sales or Dispositions of Investment Fund Shares

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section  
 130-805 Exemptions From Registration as an Investment Adviser Under Section  
 8A of the Act  
 130-806 Acts Not Requiring a Notification Filing of a Federal Covered  
 Investment Adviser or Registration as an Investment Adviser or  
 Investment Adviser Representative Under Section 8A of the Act  
 130-810 Procedures for Registration as a Dealer Under Section 8B of the Act  
 130-811 Procedures for Perfecting an Investment Adviser Exemption under  
 Section 2.16 of the Act and Requesting Withdrawal from Registration as a Dealer  
 130-820 Reporting of Dealer Branch Office Location(s) and Required Fees  
 130-821 Examinations Deemed Satisfactory for Purposes of Determining  
 Sufficient Knowledge of Each Principal Under Section 8-B(9)(a) of  
 the Act Prior to Registration as a Dealer  
 130-822 Procedure for Requesting Waiver of Dealer, Salesperson, or  
 Investment Adviser Representative of Principal  
 Examination Requirements  
 130-824 Financial Statements to be Filed by a Registered Dealer  
 130-825 Records Required of Dealers and Customer Fees  
 130-826 Registered Dealer Net Capital Requirement  
 130-827 Confirmations  
 130-828 Notice of Materially Adverse Financial Condition Required to be  
 Filed with the Securities Department by a Registered Dealer  
 130-829 Investor Protection Requirement of a Dealer Registered Under Section  
 8 of the Act  
 130-832 Examinations Deemed Satisfactory for Purposes of Determining  
 Sufficient Knowledge Under Section 8C(7) of the Act for  
 Registration as a Salesperson  
 130-838 Procedures for Federal Covered Investment Adviser Notification



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

130.839 Filing and Fees Under Section 8C(3) of the Act  
 Procedures for Registration as an Investment Adviser Representative  
 Under Section 8D(5) of the Act

130.840 Procedures for Registration as an Investment Adviser Under Section  
 8D of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and  
 Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes  
 of Determining Sufficient Knowledge for Each Principal Under Section  
 8A(2) of the Act Prior to Registration as an Investment  
 Adviser

130.843 Examination and Education Program Requirements for Registration as  
 an Investment Adviser Representative Under Section 8D(5) of the Act

130.844 Statement of Financial Condition to Be Filed By a Registered  
 Investment Adviser Which Retains Custody of Client's Cash or  
 Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per  
 Client and Six (6) or More Months in Advance and Interim Financial  
 Statements

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser  
 Financial and Disciplinary Information That Investment Advisers Must  
 Disclose to Clients

130.850 Account Transactions

130.851 Compensation, Profit or Other Compensation

130.852 Compensation Transactions

130.853 Use of the Term "Investment Counsel"

130.854 Additional Fees Under Section 8 of the Act

130.860 Procedure with Respect to Abandoned Dealer Applications

130.872 Procedure with Respect to Abandoned Investment Adviser Applications

130.873

## SUBPART J: SERVICE OF PROCESS

Section  
 130.1001 Service of Process upon the Secretary of State

## SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section  
 130.1100 Preamble

130.1101 Qualifications and Duties of the Hearing Officer

130.1102 Notice of Hearing

130.1103 Institution of a Contested Case by the Securities Department

130.1104 Requirement to File an Answer

130.1105 Amendment or Withdrawal of the Notice of Hearing

130.1106 Representation

130.1107 Special Appearance

130.1108 Substitution of Parties

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

130.1109 Failure to Appear

130.1110 Motions

130.1111 Requirements Relating to Continuances

130.1112 Discovery

130.1113 Filing of Papers

130.1114 Bill of Particulars

130.1115 Discovery

130.1116 Examination of Witnesses

130.1117 Subpoenas

130.1118 Pre-Hearing Conferences

130.1119 Record of a Pre-Hearing Conference

130.1120 Hearings

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Orders

130.1124 Burden of Proof

130.1125 Stipulations

130.1126 Open Hearings

130.1127 Corrections to the Transcript

130.1128 Application of Rules

130.1129 Application for Hearing to Present Newly Discovered Evidence

## SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section  
 130.1520 Request for Non-Binding Statements

## SUBPART P: SAVINGS PROVISIONS

Section  
 130.1661 Investors Syndicate of America, Inc.  
 130.1662 State Bond and Mortgage Company

## SUBPART Q: PUBLIC INFORMATION

Section  
 130.1701 Inspection of Applications  
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records  
 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953  
 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 13, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13897, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 11 Ill. Reg. 10753, effective January 1, 1986; emergency amendment at 11 Ill. Reg. 10753, effective June 3, 1986; emergency amendment at 11 Ill. Reg. 10753, effective June 3, 1986; reclassified at 11 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: RULES OF GENERAL APPLICATION

## Section 130.110 Payment of Fees

a) Fees under the Act are as follows:

Section 2a (Federal covered transactions or securities)	(Fees specified in Act)
Issuers of securities pursuant to Regulation D, Rule 506 of the Federal Act	\$100
Issuers of shelf offerings	\$500-\$6,000**
Series Issuers	\$500-\$3,000**
Issuers of face amount certificate contracts	\$1,000
Issuers of open-end investment fund shares	\$1,000 plus \$100 for each series, class or portfolio
General filing fee for securities not covered above	\$500-\$2,500**
Section 1404(b) Filing Fee	\$100

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 42(214)(a)(2) Application Filing Fee	\$1,000
Section 42(4)(b) Report of Sale Filing Fee	\$100-\$25-\$47,999**
Date Filing Fee	\$200 (\$100 Filing fee plus \$100 late fee)
Section 42(4)(b) Offering Sheet Examination Fee	\$300
Report of Sale Filing Fee	\$10-\$100*
Section 525(a)(1) General Filing or Renewal Fee	\$500-\$2,500**
Filing or Renewal Fee for Shelf Offerings	\$500-\$6,000**
Filing or Renewal Fee for Series Issuers	\$500-\$3,000**
Section 525(b) If registered pursuant to the Federal 1933 Act: General Filing Fee	\$300
Amendment-Examination-Fee under-the-Federal	\$500-\$2,500**-\$1,500**
1933-Act: Filing or Renewal Fee for Shelf Offerings	\$500-\$6,000**
Filing or Renewal Fee for Series Issuers	\$500-\$3,000**
If not registered pursuant to the Federal 1933 Act: SBOE Examination Fee	\$150
SBOE Filing Fee	\$250
SBOE Amendment Examination Fee	\$25
Section 525(c) Additional General-Overstate-Filing Fee	\$500
Overstate-Filing-Fee for-Shelf-offerings	\$500
Overstate-Filing Fee-for-Series-issuers	\$500
Section 525(d) Additional fee for renewal of	

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

securities 9 business days  
or less but prior to expiration  
of registration or renewal

\$200

Additional fee after  
expiration of registration  
or renewal (not to exceed  
one year after the date of  
expiration of the most  
recent registration  
or renewal)

1st-30th day \$500

31st-60th day

\$1,000

61st-90th day

\$1,500

91st-120th day

\$2,000

121st-150th day

\$2,500

151st-180th day

\$3,000

On or after 181st

day \$5,000

## Section 5B54H

Additional fee for the failure  
to file or file timely any  
required post-registration  
document

\$50

Additional fee for the failure  
to file or file timely notice  
of SEC effectiveness for  
filings made on the third  
through tenth business day  
after SEC effectiveness

\$100

Additional fee for the failure  
to file or file timely notice  
of SEC effectiveness  
for filings made after  
the tenth day after  
SEC effectiveness

11th-30th day

\$200

31st-60th day

\$400

61st-90th day

\$600

91st-120th day

\$800

121st-150th day

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

\$1,000  
181st-180th day  
\$1,200  
On or after the  
181st day \$2,500

## Section 5B64H

Filing  
or Renewal Fee  
Amendment Filing  
Fee for Additional Series,  
Types or Classes

\$1,000

\$100

## Section 5B64H

Examination Fee  
Filing or Renewal Fee  
Amendment Examination Fee  
Amendment Filing Fee for  
Additional Series, Types or Classes  
Transaction Charge  
Annual Fee

\$300

\$1,000

\$300

\$100

\$10

\$10

1/30th of 1% of average of  
quarterly computation of  
aggregate principal amount of  
securities on deposit

## Section 5B64H

Additional fee for renewal  
of securities 9 business  
days or less but prior  
to expiration of registration  
or renewal

\$200

Additional fee after expiration  
of registration or renewal  
(not to exceed one year after  
the date of expiration of the  
most recent registration  
or renewal)

1st-30th day \$500

31st-60th day

\$1,000

61st-90th day

\$1,500

91st-120th day

\$2,000

121st-150th day

\$2,500

151st-180th day

\$3,000

On or after the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 56(f)(7)  
Additional fee for the failure to file or file timely any required post-registration document \$50  
Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness \$100  
Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

11th-30th day \$200  
31st-60th day \$400  
61st-90th day \$600  
91st-120th day \$800  
121st-150th day \$1,000  
151st-180th day \$1,200  
On or after the 181st day \$2,500

Section 76(f)(7)  
Filing or Renewal Fee

\$1,000 plus \$100 for each series, class or portfolio

Section 76(f)(8)

Examination Fee  
Filing or Renewal Fee

\$300  
\$1,000, plus \$100 for each series, class or portfolio \$50

Amendment Examination Fee

Section 76(f)(9)

Amendatory statement

\$100

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 76(f)(8)  
Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal \$200  
Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)

1st-30th day \$500  
31st-60th day \$1,000  
61st-90th day \$1,500  
91st-120th day \$2,000  
121st-150th day \$2,500  
151st-180th day \$3,000  
On or after the 181st day \$5,000

Section 76(f)(9)  
Additional fee for the failure to file or file timely any required post-registration document \$50

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness \$100  
Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

11th-30th day \$200  
31st-60th day \$400  
61st-90th day \$600  
91st-120th day \$1,000

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

\$800  
121st-150th day  
\$1,000  
151st-180th day  
\$1,200  
On or after the  
181st day \$2,500

## Section 8

Dealer Filing or Renewal Fee \$200\*\*\* plus \$20 for each branch office in this State

Dealer fee to report a change in its form of organization \$300

Investment Adviser Filing or Renewal Fee and Federal Covered Investment Adviser notification filing fee or renewal fee

\$200\*\*\* plus \$20 for each branch office in this State plus a--\$10--Securities-Audit and--Enforcement--Fund-fee-for each-----Investment-----adviser representative-----who-----is-----not registered-in-this-state-as-a salesperson-for-a-fund-----the-----adviser-fair-fee-may-be-paid by-a-single-check).

Federal Covered Investment Adviser fee and Investment Adviser fee to report a change in its form of organization \$200

Investment-Adviser-Examination-Fee \$50  
Salesperson Filing or Renewal Fee

Salesperson Transfer Fee

\$75 (\$40 transfer fee and \$35 Securities Audit and Enforcement Fund fee; all fees may be paid by a single check)

\$75 (\$40

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Federal Covered Investment Adviser Representative and Investment Adviser Representative \$75

Federal Covered Investment Adviser Representative and Investment Adviser Representative transfer fee \$75

Section 8(a)(3)  
Additional fee for the failure to file or file timely any required statement of financial condition or financial statement \$250

Additional fee for the failure to file or file timely any required statement of financial condition or financial statement \$500

Additional fee for the failure to file or file timely any required post-registration document (other than statement of financial condition or financial statement) \$50

Additional fee for the second and subsequent failure to file or file timely any required post-registration document (other than statement of financial condition or financial statement) \$250

## Section 10

Service of process notices served upon the Secretary) \$10

Sections 15(a)(4) and 15(a)(5) Certificate \$10  
Certified Copy of Document \$10 plus  
Each Page Certified \$ .50

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## Section 13a

Non-binding statement \$75

Duplication of documents  
each page duplicated \$ .50

Additional fee for payment  
of fee returned to the  
Securities Department  
due to insufficient funds  
or for a similar reason \$50

- \* 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the specified minimum nor more than the specified maximum.
- \*\* 1/20th of 1% of the maximum aggregate price, as defined in Section 130.251 of this Part, but not less than the specified minimum nor more than the specified maximum.

\*\*\* twice the amount indicated if renewal application is filed within 60 days preceding the expiration of the current registration

- b) All payments of fees, except for payment of administrative fines under Section 130.114 of the Act as set forth below, shall be made by check, money order, certified check, bank cashier's check, bank money order, or indicia of forms of electronic transfer of funds payable to the Secretary of State or to the party designated by the Secretary of State as the payee of the payment ("Secretary") shall be made as payment of any fee. All payments for administrative fines under Section 130.114 of the Act in excess of \$500, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by money order, certified check or bank cashier's check.

- c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

- d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

- e) All payment of fees under Sections 4-5, 6-7 and 8 of the Act for which a registration of the stock is required shall be deemed to be filed with the fee paid to the Secretary by the Securities Department, provided that the fee paid is within \$5 of the actual amount due.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.120 Place of Filing

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

All applications for registration or exemption from registration and other papers filed with the Securities Department or the Secretary pursuant to Section 4, 5, 6, 7, 8, 9, 13 or 15a of the Act shall be filed at Springfield or Chicago, Illinois. Such material may be filed by delivery to the Securities Department, through the mails or otherwise. In addition, such material may be filed electronically or by facsimile with the Securities Department. All other papers shall be filed with the Securities Department or the Secretary pursuant to the Act and shall be filed at the office of the Securities Department in Springfield or Chicago, Illinois.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.130 Date of Filing

- a) Except as otherwise specified in Section 4, 5, 6, 7 or 8 of the Act, the date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 130.120 of this Part, or:

- 1) if transmitted through the United States mail, shall be deemed filed with the Secretary on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing the document;
- 2) if mailed but not received by the Secretary, or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with the Secretary on the date it was mailed, but only if the sender establishes by competent evidence that the document or fee was deposited, properly addressed, in the United States mail on or before the date on which it was required or was due. In cases in which the document or fee was mailed but not received, the sender must also submit, or pay to, the Secretary a duplicate document or fee, or both, as the case may be, within 30 days after written notification of nonreceipt of the document or fee is given by the Secretary to the person claiming to have sent the document or fee;
- 3) if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, record submitted by the United States Postal Service, or by a private express company, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the recording;
- 4) if transmitted electronically, it shall be deemed filed with the Secretary on the date the information that is inscribed or stored electronically becomes retrievable in a retrievable form to the Securities Department.

- b) A document may not be deemed to be filed with the Secretary unless all





## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 U.S.C. Secs. 77a-77aa), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1934 Act" means the Act of Congress of the United States known as the Securities Exchange Act of 1934 (15 U.S.C. Secs. 78a-78aa), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 U.S.C. Sec. 1 et seq.), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940 (15 U.S.C. Secs. 80a-1-80a-53), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 U.S.C. Secs. 80b-1-80b-21), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder, as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal Public Utility Holding Company Act of 1935" means the Public Utility Holding Company Act of 1935 (15 U.S.C. subsection 79-72-6), and the Rules and Regulations thereunder, as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Futures" and "Futures Contracts" as used in Section 130-270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130-270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who presides at the hearing designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130-210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 U.S.C. 1-9602), and the Rules and Regulations thereunder, as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor" as used in Section 130.420 of this Part means a person who is not a person set forth in Section 4-C, 4-H, 4-K or 4-S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls in futures contracts traded on or subject to the rules of the Chicago Board of Trade designated by the CFTC or traded on subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative maintains an investment advisory services, soliciting representative, or otherwise communicates with clients, and a location at which the investment adviser representative provides investment advisory services. solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means

any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or

any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds, either solely as promoter or as underwriter, or solely in consideration of property shall not be deemed a promoter within the meaning of this subsection if the person does not otherwise take part in founding and organizing the enterprise.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communications, written or by radio, television or other communications medium, which offers any security for sale or confirms the sale of any security, except that a communication sent by security holder or an affiliate of the registrant to its security holder, other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this section, shall not be deemed a prospectus if it is proved in this prior to or at the same time as the communication, a prospectus meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by the Sections in this Part deems necessary or appropriate in the public interest and for the protection of investors and subject to such terms and conditions as may be described therein, may permit.

"Regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR Part-1-See 1.20 as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR Part-1-See 1.20 et seq. as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"SEC" means the United States Securities and Exchange Commission.  
"Secretary of State" or "Secretary" means the Secretary of State of Illinois.

"Section" refers to a section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 U.S.C. Sec 78aaa et seq. as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions)).

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to 17 CFR Part-1-See 1.20 as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and its subsidiaries, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

comprising a going business, whether by merger, consolidation, purchase or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "successor" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not due and which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which: (a) is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and (b) issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction" as used in Section 130.270 of this Part means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlled to, or under common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 and Registration of an Entity for Purposes of Section 8 of the Act

- a) Notwithstanding any other provision of the Act or this Part, the transmitting or sending of any announcement, offering circular,

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

prospectus or other communication via the nonproprietary, public computer network (commonly known as the "Internet") shall not constitute an offer of securities under Section 5, 6 or 7 of the Act; provided that the communication indicates, directly or indirectly, that the securities are not being offered to the residents of this State, and an offer is not being offered specifically directed to any person in this State by or on behalf of the issuer of the securities. b) No sale of securities shall be made in this State by the issuer of securities under Section 5, 6 or 7 of the Act and a person have been registered under Section 130.270 of the Act and a prospectus, offering under Section 130.270 of the Act, or sold in this State, except from each offer prior to the sale, or the securities have been exempted from registration under Section 3 of the Act or sold in this State pursuant to an exemption set forth under Section 4 of the Act (except subsection G, H or I of Section 4 of the Act, or subsection M of Section 4 of the Act if any commission or other remuneration is paid or given, directly or indirectly, on account of the sale or sales or issuance of the securities).

- c) Notwithstanding any other provision of the Act or this Part, salespersons or dealers who transmit or distribute information on available products and services via the Internet shall not constitute an offer of securities for purposes of Section 5 of the Act provided that:

- 1) The communication contains a legend clearly stating that the salesperson or dealer may only contact business in those states where he, she or it is licensed or authorized to sell securities or otherwise excluded or exempted from State registration;
- 2) The communication has taken reasonable measures to insure that any subsequent interaction between the salesperson or customers or clients residing in states where the salesperson or dealer is not licensed is limited so as to not otherwise require State salesperson, dealer or securities registration;
- 3) The communication does not involve the actual effecting of securities transactions or trades for compensation over the Internet but is limited to the dissemination of information on products or services; and
- 4) In the case of a salesperson, the affiliation with a dealer is prominently disclosed within the communication; the dealer retains the responsibility of reviewing and approving the content of the Internet communication; the dealer has authorized the distribution or dissemination of information on products and services via the Internet communication; and the salesperson is acting within the authority of his or her authority in distributing or disseminating the Internet communication.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.234 Definition, For Certain Purposes, of the Terms "Employee

SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.0 and Section 3.0 of the Act (Repealed)

- a) The terms "Employee-Security-Purchase-Plan", "Employee-Profit-Sharing Trust or Plan", "Employee-Pension Trust or Plan" shall not include any offering of securities to employees unless, prior to or concurrently with the offering, a written document setting forth the provisions and details of the employee security purchase plan, employee profit sharing trust or plan, or employee pension trust or plan is disseminated to each employee, partner, or officer of the plan. b) The terms "Employee-Security-Purchase-Plan", "Employee-Profit-Sharing Trust or Plan", "Employee-Pension Trust or Plan" shall not include any plan wherein the purchase gives or pays consideration other than his or her employment unless shown by the particular facts.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.0 of the Act (Repealed)

The terms "Employee-Profit-Sharing-Trusts-or-Plans" and "Employee-Pension Trusts-or-Plans" shall mean those employee profit-sharing trusts or plans or employee pension trusts or plans provided for by a plan or contract, and which are exempt from Federal estate tax under Section 341(c) of the Internal Revenue Code, and which are profit-sharing plans which meet the requirements for qualification under Section 401(a) of the Internal Revenue Code.

(Source: Repealed at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.242 Definition of the Term "Financial Institution" under Section 4C and 4B of the Act

The term "Financial Institution" shall include, but not be limited to, a manager of investment accounts on behalf of other than natural persons, who, with affiliates, exercises sole investment discretion with respect to such accounts, and provided such accounts exceed 10 in number and have a fair market value of not less than \$10,000,000 at the end of the calendar month preceding the month during which the transaction occurred for which the exemption is utilized.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.246 Definition of the Terms "Residents of this State", "Aggregate

SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4G 46(f) of the Act and "General Advertising or General Solicitation" Under Sections 4G, 4B, 4M and 4R 46(f)-4(f)-4(f) and 4(f) of the Act

- a) The term "sales made in reliance upon the exemption" as used in Section 4G(1) 46(f) of the Act with respect to the Report of Sale required to be filed under that Section shall include only those sales made to residents of this State in reliance on the exemption. b) The term "residents of this State" shall mean persons having their principal place of residence or domicile in this State. c) The term "Aggregate sales price" shall mean the sum of all cash, services, property, notes, and other consideration of debt, or other consideration, being offered for both cash and non-cash securities, and the aggregate sales price shall be based on the price at which the securities are offered for cash. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or in the absence of sales, on the fair value as determined by an accepted standard. d) The terms "general advertising" or "general solicitation" shall include but not be limited to:

- 1) any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio or any seminar or meeting where attendees have been invited by any of the foregoing;
- 2) any indiscriminate contact by mail, telephone, or similar communicative process, unless otherwise shown by the particular facts.

e) For purposes of Section 4H and 4B of the Act, the terms "general advertising" or "general solicitation" shall not include the transmitting or sending of any announcement, offering circular, prospectus or other communication that is delivered through an electronic database that is restricted to persons who have been prequalified as accredited investors as defined in Section 4H or 4B of the Act.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

- a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place of business located in this State where the business of the registered dealer is being conducted and which is in the case of a registered dealer is owned or controlled by, or operated directly or indirectly for the benefit

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

of, the registered dealer, and where the business of a dealer is conducted by a principal, salesperson or salespersons for such registered dealer, or

2) in the case of a registered investment adviser, is owned or controlled by or operated directly or indirectly for the benefit of the registrant, or

3) the registered investment adviser is conducted by a principal, investment adviser representative or investment adviser, representatives of such registered investment adviser, authorized to render investment advice.

b) The principal office located in this State of the registered dealer or registered investment adviser, if any, shall not be considered a branch office.

c) Except as otherwise provided in subsection (b) of this Section, for purposes of this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered dealer and registered investment adviser shall be considered a branch office for the registered dealer and the registered investment adviser.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

# Section 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser, as Used in Section 8 of the Act

a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place or location in this State where the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment adviser services, solicit, meet with, or otherwise communicate with clients, or any other location that is held out to the general public as a location at which the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment adviser services, solicit, meet with, or otherwise communicate with clients.

b) The principal office located in this State of the registered investment adviser or the federal covered investment adviser, if any, shall not be considered a branch office.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART D: EXEMPT TRANSACTIONS

# Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4-D of the Act

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

a) Any offer or sale of securities offered or sold in compliance with the Federal 1933 Act, Regulation D, Rules 230.501-230.503 and 230.505 or 230.506-230.507, 230.501-230.503, 230.505-230.506 and which satisfies the following further conditions and limitations:

1) No exemption under this Section shall be available for the securities of any issuer if any of the parties described in the Federal 1933 Act, Regulation A, Rule 230.262 Sections (a), (b), and (c) (17 CFR 230.262(a), (b) and (c)) as in effect on AUGUST 1, 1997 deny or refuse to register the securities or editions:

A) has filed a registration statement which is subject to a currently effective registration statement and is not subject to a currently effective registration statement within five years prior to the filing of the notice required under this Section;

B) is currently convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

C) is currently subject to SEC of any state administrative enforcement order or judgment entered by that state's securities administrator of the SEC within five years prior to the filing of the notice required under this exemption or is subject to SEC of any state's administrative enforcement order or judgment in which statements of material facts not limited to making false statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

D) is subject to SEC of any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities;

E) is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction permanently restraining or enjoining conduct or practice of any party from engaging in or continuing sale of any security or in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption;

2) the prohibitions and subsections (a)(1)(A)-(C) and (B) of this Section shall not apply if the person subject to conduct disqualification is duly licensed or registered to conduct



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- securities related business in the state in which the administrative order or judgment was entered against such person, or if the dealer employing such person is located or registered in this State and the order, conviction, judgment or decree Department disclosed to the person, no person disqualified under this subsection (a)(2) may act in a capacity other than that for which the subsection is licensed or registered; and
- 3) the disqualification caused by this Section is automatically waived if the SEC or state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied. It is a defense to a violation of this subsection (a) if the issuer sustains the burden of proof to establish that such person did not know and in the exercise of reasonable care could not have known that a disqualification under this subsection (a) existed.
- b) The issuer shall file with the Securities Department a notice on Form D (17 CFR 239.500):

- 1) the notice shall be filed no later than 15 days after the receipt of consideration or the delivery of a subscription agreement by an investor in this State which results from an offer being made in reliance upon this exemption and at such other times and in such amounts as may be required by the Securities Department, and the form required under Regulation D, Rule 230.503 to be filed with the SEC;
  - 2) the notice shall contain an undertaking by the issuer to furnish to the Securities Department, upon written request, the information furnished by the issuer to offerees who are offered or sold a security which is not exempt under any provision of Section 3 of the Act or who are offered or sold a security in a transaction which is not exempt under any provision of Section 4 of the Act;
  - 3) every person filing the initial notice provided for in subsection (b)(1) of this Section shall pay the filing fee pursuant to Section 130.110 of this Part.
- c) In all sales to nonaccredited investors in this State, the issuer and any person filing the notice shall have reasonable grounds to believe that the issuer and any person filing the notice have satisfied the following conditions: is satisfied:
- 1) the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his or her other security holdings and as to his or her financial situation and needs; for the purpose of this condition only, it may be presumed that if the investment does not exceed 10% of the investor's net worth, it is suitable; and
  - 2) the purchaser, either alone or with his or her purchaser representative(s), has such knowledge and experience in financial and business matters that he or she is, or they are, capable of

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- evaluating the merits and risk of the prospective investment.
- d) A failure to comply with a term, condition or requirement of the exemption will not result in loss of the exemption from the requirements of Section 4-B of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:
- 1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; or
  - 2) the failure to comply was insignificant with respect to the offering as a whole; or
  - 3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of the exemption.
- e) The exemption authorized by this Section shall be known and may be cited as the "Uniform Initial Offering Exemption."

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 130.140 Procedures for Filing Reports of Sale under Section 4G 4(f) of the Act

- a) The issuer, controlling person, or dealer shall file with the Springfield or Chicago office of the Securities Department one copy of the Report of Sale on Illinois Form 4G or Form D executed manually signed by a person duly designated by the filing party, accompanied by the filing fee referred to below, if no later than 3 months after the first sale of securities made to an Illinois resident in reliance upon Section 4(f) of the Act; and 2) thereafter until a subsequent sale of securities made to an Illinois resident in reliance upon Section 4(f) of the Act has been concluded, every 3 months after the date of the last sale of securities made to an Illinois resident in reliance upon Section 4(f) of the Act; and 3) the date upon which the most recent prior Report of Sale was required to be filed with the Securities Department, on or after the first date of sale made to an Illinois resident in reliance upon Section 4G of the Act, but no later than twelve months after the date of the first sale.
- b) The filing fee for each Report of Sale required under Section 4G 4(f) of the Act shall be in the amount of the aggregate dollar amount reported therein but not less than the minimum amount specified in Section 130.110. The Report of Sale shall not be deemed to be filed until the proper filing fee therefor is delivered to the Securities Department.
- c) The Securities Department will review a Report of Sale submitted under Section 4G 4(f) of the Act and notify the filing party of any deficiencies. A Report of Sale shall not be deemed to be filed unless the information required by Section 130.42 of this Part is included therein without any material deficiency.
- d) By filing a Report of Sale, the filing party attests that the sales



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

covered by the Report of Sale have not and will not be made by means of general advertisement or solicitation in this State; the sales of such securities have not and will not be made, commissions have not and will not be paid and prospectuses have not and will not be delivered, in each case in excess of those permitted by Section 4G of the Act; and the filer party will provide a copy of the prospectus, offering circular or other disclosure document, as the case may be, or the name and address of each Illinois purchaser to the Securities Department within 72 hours after written request (which may be made by electronic facsimile or other similar transmission of delivery).

- (d) The Securities Department shall impose a penalty for failure to file any Report of Sale required under Section 4G of the Act in a timely manner. The penalty for the first failure to file timely shall be in the amount specified in Section 130.110 of this Act, an amount equal to the filing fee for that Report of Sale; the penalty for any subsequent failure to file timely shall be an amount equal to five times the filing fee for that Report of Sale.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.442 Report of Sale of Securities pursuant to Section 4G 4f6) of the Act

The Report of Sale of securities sold in this State in reliance upon Section 4G 4f6) of the Act shall contain, without limitation, the following but not be limited to:

- the name, business address and telephone number of the issuer, and as applicable, of the controlling person and dealer;
- a description of the securities sold to residents of this State; and
- the date of the initial sale of securities to residents of this State for this reporting period, the total amount of securities sold to residents of this State during the reporting period, and the date of the last sale of securities during the period covered by the Report of Sale and to the date of the Report of Sale;
- for the sales covered by the Report of Sale, the names and addresses of the purchasers who report to the issuer that they are residents of this State and the dates on which the sales were made;
- a representation that the sales covered by the Report of Sale were not made by means of general advertising or general solicitation in this State; and
- a representation that the sales of such securities were not made by means of general advertising or general solicitation in this State in excess of those permitted by Section 4G of the Act.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: REGISTRATION OF SECURITIES

Section 130.520 Procedures for Registration of Securities by Qualification under Section 5-B of the Act

- Application for registration of securities pursuant to Section 5-B of the Act shall be made by filing the following documents with the Securities Department in Springfield or Chicago, Illinois in the form required by Section 5-B of the Act:
  - A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant be a partnership; or by an officer, if the applicant be a corporation; or in other cases by an authorized agent of the applicant, setting forth the name and address of the issuer, the title and total amount of the securities to be offered, the amount of the securities to be registered in this State pursuant to the Application, the proposed maximum aggregate price for the securities being registered as defined in Section 130.251 of this Part, and the aggregate underwriting commissions, remuneration or discount;
  - A copy of the prospectus for the securities being registered conforming to the requirements of Section 5-B(3) of 5-B(4) of the Act, as applicable;
  - A consent to service of process executed by the issuer or controlling person conforming to the requirements of Section 18 of the Act provided that such consent need not be filed if the applicant is a registered dealer and the securities are being offered and sold in this State by one or more registered dealers as principal and not as agent; or
  - The issuer or controlling person is a corporation organized or authorized to transact business under the laws of this State;
- If the issuer is a corporation, a copy of its current charter or articles of incorporation which then on file with the Secretary of State; if otherwise a corporation, a copy of its instrument of incorporation which the issuer was created or amended through the filing;
- A copy of the current bylaws or other code of regulation if any of the issuer; and
- A copy of the instrument or other instrument if any, under which the securities are to be or have been issued, as amended through the date of filing;
- A specimen copy of the securities or a copy of the form of the instrument, if any, to evidence the securities;

## NOTICE OF PROPOSED AMENDMENTS

- EH)** An opinion of counsel as to the legality of the securities;  
**Fi)** A copy of the underwriting and selling agreements, if any;  
**Gd)** An undertaking to file promptly with the Secretary of State any and all amendments of and supplements to the prospectus as therebefore filed under Section 5-B of the Act, accompanied by the examination fee specified in Section 130.110; and  
**Hd)** The names of at least one registered dealer for the securities being registered under Section 5-B of the Act, or if no registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and  
 2) by paying to the Securities Department in Springfield or Chicago, Illinois the examination fee and filing registration fee required by Sections 5-B(2)(g) and 5-Cv(1), respectively, of the Act in the form and amount required by Section 130.110.
- b) The completed Application to Register Securities on Form U-1 shall constitute the application called for in Section 5-B(1) of the Act.
- c) The Secretary of State shall within a reasonable time examine the Application and documents filed with him or her, and unless:
- 1) the Secretary of State makes a determination that the application and documents so filed do not conform to the requirements of Section 5-B of the Act;
  - 2) the application for registration is then the subject of pending proceedings under Section 11-g of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act, he or she shall register the securities for offer and sale in this State under Section 5-B of the Act.
- d) The applicant shall notify the Securities Department in Springfield, in writing (which may be by telegraphic, electronic or facsimile transmission), prior to the time at which the registration under Section 5-B of the Act shall take effect, of the actual offering price(s) for the securities being registered and, if the offering is filed under Regulation A of the Federal 1933 Act, a copy of the notification of SEC clearance within two business days of the date after the issuance of such clearance.

(Source: Amended at 21 ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# Section 130.530 Renewal of Registration of Securities Under Section 5-B(4) of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the securities which remain unsold by filing with the Securities Department, no later than ten business seven-77 days prior to the

## NOTICE OF PROPOSED AMENDMENTS

- date upon which the registration under Section 5-B 5(4) of the Act or renewal under Section 5-B(4) of the Act would expire, on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and paying the fee set forth in Section 130.110 of this Part. Such application shall be accompanied by a copy of the prospectus in which the securities are being offered.
- b) Any application for renewal of registration of securities filed with the Securities Department within nine business ~~five~~ four days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 of this Part.
- c) Any application for renewal of registration of securities filed with or fee paid to the Securities Department on or after the date upon which the registration has expired shall pay an additional fee set forth in Section 130.110 of this Part until the application is filed and the renewal fee and all such additional fees are paid.
- d) The renewal of the registration under subsection (a), (b) or (c) of this Section shall take effect as of the date that the prior registration or renewal expired.
- e) No application for renewal of registration of securities shall be made to be filed until the application to renew is filed with the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.
- f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall have filed with the Securities Department the name of at least one registered dealer which will be offering or selling the securities or have filed an application for registration on Form U-4 or renewal on Form 8C(1) for at least one salesperson that the Securities Department will grant registration of or renewal of registration of concurrently with the renewal of the registration of the securities and paid to the Securities Department the fee and the additional fee, if any, set forth in Section 130.110 of this Part.

(Source: Amended at 21 ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

# Section 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 5-F 6(7) of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the face amount certificate contracts which remain unsold by filing with the Securities Department no later than ten business seven-77 days prior to the date upon which the registration under Section 5-F 6(7) of the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Act or renewal under Section 6F 4th of the Act would expire on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and paying the fee set forth in Section 130.110 of this Part. Such application shall be accompanied by one copy of the prospectus in its most current form.

b) Any application for renewal of registration of face amount certificate contracts filed with or fee paid to the Securities Department within nine business days-46 days or less but prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 of this Part.

c) Any application for renewal of face amount certificate contracts filed with or fee paid to the Securities Department on or after the date upon which the registration would expire shall pay an additional fee set forth in Section 130.110 of this Part until the application is filed and the renewal fee and all such additional fees are paid.

d) The renewal of the registration under Section 6A (a) (1) or (c) of this Section shall take effect on the date that the prior registration expires.

e) No application for renewal of face amount certificate contracts shall be deemed to be filed or take effect if the application, renewal fee or additional fee shall have been filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.

f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall have filed with the Securities Department the name of at least one registered dealer which will be offering or selling the face amount certificate contracts or have filed an application for registration on Form 0-4 or renewal on Form 8C(1) for at least one salesperson that the Securities Department will grant registration of or renewal of registration concurrently with the renewal of the registration or renewal of the registration. The fee for the registration or renewal of the registration shall be the fee for certificate contracts and payments to the Securities Department the fee and additional fee, if any, set forth in Section 130.110 of this Part.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

## Section 130.805 Exemptions From Registration as an Investment Adviser Under Section 8A 6th of the Act

The Secretary pursuant to Section 8A 6th of the Act hereby exempts from registration as an investment adviser:

a) any investment adviser whose only clients in this State are any one or more of the following, whether acting on their own behalf or in some fiduciary capacity:

1) investment companies as defined in the Federal 1940 Investment

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Company Act, as defined in Section 130.200 of this Part;

2) employee pension or profit-sharing plans or trusts having total assets of not less than five-million-dollars-\$5,000,000-000;

3) governments and governmental agencies or instrumentalities, and whether acting for itself or as a trustee with investment control; or

4) banks, savings banks, savings institutions, trust companies, insurance companies, building and loan associations and any other financial institutions or other institutional investors, and any other persons to whom an offer of sale or issuance of a security would be exempt provided that such persons maintain a net worth of not less than one-million-dollars-\$1,000,000-000; and

b) any investment adviser of federal covered investment adviser who during the immediately preceding twelve (12) consecutive months did not-generally-advertise-or-generally-solicit-clients-in-this-State-as described-in-Section-130.246(d)-of-this-Part-and has not had more than five (5) clients in this State in addition to clients of the types specified in subsection (a) of this Section, whether or not such investment adviser is then present in this State.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act

Notwithstanding any other provision of the Act or this Part, an investment adviser or a federal covered investment adviser who transmits or distributes information on available products and services via the nonproprietary, public computer network (commonly known as the "Internet") shall not be deemed to be acting as an investment adviser, a federal covered investment adviser or an investment adviser representative in this State for purposes of Section 8 of the Act provided that:

a) The communication contains a legend clearly stating that the investment adviser, the federal covered investment adviser or the investment adviser representative may only transact business in those states where he, she or it is registered or otherwise excluded or

b) The sender of the communication has taken reasonable measures to insure that any subsequent communication between prospective customers or clients residing in states where the investment adviser, the federal covered investment adviser or the investment adviser representative is not registered or is not subject to notification filing is limited so as to not otherwise require state investment adviser or investment adviser representative registration or notification filing.



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 130.822 Examinations deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8-B(9)(a) of the Act Prior to Registration as a Dealer

- a) Passage of the Series 24 (formerly Series 40 or Series 00) (General Securities Principal Examination) and the Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by the NASD shall qualify a principal or principals of legal age in this State on behalf of a registered dealer without limitation in this State.
- b) Passage of the Series 24, 26, 39 or 53 Examination and the Series 63 Examination (Uniform Securities Act Law Examination) or Series 66 Examination (Uniform Combined State Law Examination) conducted by the NASD shall qualify by examination a principal or principals of legal age in this State on behalf of a registered dealer for registration in a limited capacity in this State.

- 1) The Series 26 Examination (Investment Company/Variable Contracts Products (ICVP) Principal Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell variable annuities or securities issued by investment companies.
- 2) The Series 39 (Direct Participation Programs Principal (DPP) Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell direct participation programs in the form of limited partnerships or direct private interests in tax shelter programs.
- 3) The Series 53 (Municipal Securities Principal Examination) and Series 63 (Municipal Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell securities of municipalities or industrial development revenue obligations.

- c) Passage of the Series 8 (General Securities Sales Supervisor Examination or Branch Office Manager (NBSE) Examination) conducted by the NASD shall qualify a principal or principals of legal age in this State on behalf of a registered dealer pursuant to the limitations set forth by the NASD.

d) All scheduling for the examinations referred to in subsections (a), (b) and (c) of this Section shall be made with, and fees paid to, an office of the NASD. The applicant for registration as a dealer shall submit in writing satisfactory evidence of passing the examination prior to registration in this State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

d) At or prior to registration of the dealer, there must be on file with the Securities Department, whether through the CRD or otherwise, the following:

- 1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this Part for each principal required to take such examination pursuant to subsection (c) of this Section, unless the Secretary shall have issued an Order waiving such examination requirements pursuant to Section 130.823 of this Part and Section 8-B(9) of the Act;

- 2) A Form U-4 for each officer and director or each other person performing a similar function of the applicant who is required to register as a salesperson as provided in this Section, and a page (2) of Form U-4 for each other officer or director of the applicant;

- 3) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as the result of a change in the information provided since the date of filing, or otherwise;

- 4) If the dealer, which is not a member of the NASD, an application for registration of a salesperson on Form U-4. The Securities Department shall grant concurrent registration of a salesperson pursuant to such application upon the registration of the dealer unless such dealer is ineligible for registration under Section 8-E(1) of the Act. At least one salesperson must be pending registered on behalf of a dealer which is an NASD member by the Securities Department prior after to the grant of registration. Notwithstanding the foregoing, any dealer which effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

- e) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs which renders the information contained therein inaccurate in any material respect. The amendment shall be filed with the dealer if the dealer is not a member of the NASD or with the Securities Department if the dealer is a member of the NASD, within ten business days after the occurrence of the change.

- f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8-B and 8-C of the Act, and "with the Secretary of State", as used in Section 8-B of the Act, and "with the Securities Department", as used in Section 130.820 of this Part, shall include a filing made with the NASD utilizing the single automated system referred to hereinabove as the CRD.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, or Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

- a) If a person applying for registration as a dealer, salesperson, or investment adviser, investment adviser representative, or principal seeks a waiver of the examination requirements as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.
- b) The request for the waiver of the examination requirement shall contain the following information:
  - 1) The business name and address of the dealer (or investment adviser for investment adviser and investment adviser representative applicants) and federal covered investment adviser (or investment adviser representative federal covered investment adviser) to which the applicant is or will be associated;
  - 2) The official title and connection of the applicant with the dealer (or federal covered investment adviser or investment adviser);
  - 3) The applicant's legal name;
  - 4) The applicant's business address and telephone number;
  - 5) The applicant's residential address and telephone number;
  - 6) The applicant's date of birth;
  - 7) A list of any other names the applicant has used including the dates used, the reason for the name change, and the date the applicant's present name was adopted;
  - 8) The amount of ownership of capital stock or partnership interest of the dealer (or investment adviser) that the applicant is associated with;
  - 9) The date and term of each job the applicant currently holds or has held for ten (10) years prior to the date of the waiver request. In addition, investment adviser applicants must provide the total aggregate dollar value of investment advisory accounts serviced, whether the applicant had discretionary authority over the accounts, and the total percentage of institutional accounts the applicant serviced of those entities enumerated in Section 44 of the Act;
  - 10) The applicant's educational history including degrees received;
  - 11) Any professional certifications or designations;
  - 12) Any NASD or related examinations taken by the applicant;
  - 13) The name, address and business affiliation of three (3) persons to whom the Secretary may address inquiries regarding experience, qualification and standing of the applicant; and
  - 14) A list of where the applicant has been licensed or registered as a dealer, salesperson or investment adviser including the state or licensing agency, the type of license or registration and the period during which the registration was effective.
- c) The request shall be signed and notarized. By signing the waiver

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

request, the applicant is attesting to the following (unless a detailed explanation is attached):

- 1) The applicant has never had any license or registration as a dealer, investment adviser, investment adviser representative or salesperson, suspended, cancelled or revoked after notice and opportunity for hearing;
  - 2) The applicant has never been temporarily or permanently enjoined from acting as investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson or employee thereof or from engaging in or continuing any conduct or practice in connection with activity as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or insurance company investment company, financial institution or insurance company after notice and opportunity for hearing;
  - 3) The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any conduct as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or insurance company; or
  - 4) The applicant has never been permanently or temporarily enjoined from the issuance, offering for sale, sale, promotion, negotiation, advertising or distribution of securities;
  - 5) The applicant has never been named as a defendant in any proceeding arising from a complaint alleging a fraudulent act in any transaction of any kind or character;
  - 6) The applicant has never been found by any state or federal board, body, department or commission to have willfully made any untrue statement of a material fact in any application for registration or license as a dealer, investment adviser or salesperson or in any report required to be filed with the subject body, board, department or commission or under the Federal 1933 Act or to have willfully omitted to state in such application or report any material fact which is required to be stated therein; and
  - 7) The applicant has not been disbarred or suspended from the practice of securities law.
- d) After the Securities Department receives the request, the request shall be granted or denied based upon criteria which includes, but is not limited to the following: education, years of experience in the securities business, past disciplinary history, and prior registration with the SEC, any state securities regulator, or the NASD. The applicant shall be informed in writing of the Securities Department's decision.

## SECRETARY OF STATE

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.824 Financial Statements to be Filed by a Registered Dealer

a) Each dealer registered by the Secretary that is not required to file a financial statement with a registered self-regulatory organization shall file a financial statement containing the information required by the Secretary as follows:

- 1) the financial statement shall be prepared as of an audit date selected by the dealer within each calendar year;
- 2) the financial statement shall be filed no later than the first day of the fourth month days after the selected audit date;
- 3) the time period covered by the statement shall be the twelve month period immediately following the date of the most recent audited statement; and
- 4) should a dealer elect to change its audit date, a written request for change in accordance with Section 130.190 of this Part from the dealer to the Secretary shall be filed with the request to file the financial statement in Springfield, Illinois. The request shall include the reason or reasons for the change and an affirmation that the dealer is currently in compliance with the requirements set forth under Section 130.826 of this Part. An unaudited statement, which includes a balance sheet and computations showing compliance with the requirements set forth under Section 130.826 of this Part, shall be filed with the Securities Department and shall be as of a current date. The audited statement when filed shall encompass the entire period of time which has elapsed since the date of the most current filing of an audited statement.

b) Each financial statement filed pursuant to subsection (a) of this Section shall be audited by an independent certified public accountant and shall include the following:

- 1) a balance sheet;
- 2) a statement of independent auditor's report;
- 3) an income statement;
- 4) a statement of cash flow;
- 5) notes to the financial statements, if any;
- 6) a computation of net capital calculated pursuant to either the aggregate indebtedness or the alternative method;
- 7) a statement of changes in liabilities subordinated to the claims of general creditors, if any; and
- 8) a statement of computation for determination of reserve requirements for dealers computed in accordance with 17 CFR 240.15c3-3, as in effect on August 1, 1997 8411-47-1999 (no subsequent amendments or editions), if any.

The statement shall be accompanied by the cover page, if any, designated by the Securities Department.

c) The Secretary may, require any dealer to file an interim financial statement as of a date selected by the Secretary. The Secretary shall specify whether or not the statement is to be audited by an independent certified public accountant in circumstances including, but not limited to: the company has been in violation of its net capital requirement prescribed in Section 130.826 of this Part; an officer or employee has been convicted of embezzlement or theft of the dealer's funds; the dealer has been charged by a federal or state securities regulator or SRO of falsifying its books and records; and the dealer has merged with another dealer which has a record of past violations of its net capital requirements.

d) If an unaudited interim financial statement is required to be filed by a dealer, the statement shall contain the oath or affirmation that, to the best of the dealer's knowledge and the belief of the person making the oath or affirmation:

- 1) the financial statement and supporting schedules are true and correct; and
- 2) neither the dealer, nor any partner, officer or director, as the case may be, has a proprietary interest in any account classified solely as that of a customer. The oath or affirmation shall be made before a person duly authorized to administer oaths or affirmations. If the dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by the general partner in charge of the dealer's financial affairs; or if a corporation, by the dealer's chief financial officer.

e) Each financial statement, except the independent auditors' report, balance sheet and notes, any, shall be confidential when filed with the Securities Department and shall be confidential to auditors' public record and available to the public upon written request.

f) Anything to the contrary notwithstanding, all of the information contained in any financial statement shall be available to any federal, state or local law enforcement agency, any state or federal regulator or any self-regulatory organization registered under any federal law upon written request to the Securities Department.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8C(1)(7) of the Act for Registration as a Salesperson

a) Passage of the Series 63 examination and Series 1, 2, or 7, 37, 38, 17 and 39 examinations conducted by the NASD shall qualify a natural person who is 18 years of age or older for registration on behalf of a dealer, controlling person or issuer as a salesperson without limitation in



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

this State.

- b) Passage of the Series 63 examination and Series 6, 22, 52 or 62 examination conducted by the NASD shall qualify by examination a natural person who is 18 years of age for registration as a salesperson in a limited capacity in this State, as follows:

- 1) The Series 6 (Investment Company/Variable Contract Products (ICVC) Representative Examination) and the Series 63 examination shall qualify a salesperson to offer or sell securities issued by investment companies and variable contracts.
- 2) The Series 22 examination (Direct Participation Program Limited Representative Qualification Examination) and the Series 63 examination shall qualify a salesperson to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.
- 3) The Series 52 examination (Municipal Securities Representative Examination) and the Series 63 examination shall qualify a salesperson to offer and sell securities of municipalities and industrial development revenue obligation.
- 4) The Series 62 Examination (Corporate Securities Representative Examination) shall qualify a salesperson to offer and sell corporate securities and bonds, real estate investment trusts and mortgage investment trusts.
- c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section shall be made with and fees paid to an office of the NASD. The dealer, controlling person or issuer on whose behalf a salesperson is being registered shall submit in writing satisfactory evidence of being registered prior to registration of such person in the State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8c(5) of the Act

- a) Federal covered investment advisers shall file with the Securities Department copies of page 1 of the most recent Form ADV, Schedule E, and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.
- b) For purposes of annual notification filing a Federal covered investment adviser shall file with the Securities Department the Annual Notification filing form and Schedule E and I to Form ADV, or copies of page 1 of the most recent Form ADV, Schedule E and I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.
- c) Amendments to page 1 of Form ADV shall be filed with the Securities

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Department at the same time they are filed with the Securities and Exchange Commission.

- d) In the event the federal covered investment adviser changes the form of its organization it shall pay the fee specified in Section 130.110 of this Part.
- e) A federal covered investment adviser that is no longer eligible for Securities and Exchange Commission registration shall file as an investment adviser with the Securities Department within 90 days after the date the investment adviser is required to file Schedule I to Form ADV with the Securities and Exchange Commission indicating it is no longer eligible for Securities and Exchange Commission registration. If the federal covered investment adviser fails to file Schedule I to Form ADV with the Securities and Exchange Commission by the date specified in this Section, the Secretary of State shall notify the federal covered investment adviser of such deficiency in writing, or by facsimile or electronic transmission provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee. In the event the federal covered investment adviser fails to remedy the deficiency within ten business days after receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such a refusal and may, until October 11, 1999, require the federal covered investment adviser to re-register pursuant to subsections A and B of Section 8 of the Act.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8d(5) of the Act

- a) Each investment adviser and federal covered investment adviser shall file with the Securities Department a complete and current application for each investment adviser representative and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- b) The application shall consist of a Form 9-4 for each investment adviser representative.
- c) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with the Securities Department the annual re-registration of investment adviser form, or the annual notification filing form for federal covered investment advisers, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- d) For the purposes of this Section an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director or other person occupying a similar status or performing similar functions, or an employee of a federal covered

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser.

- 1) More than ten percent of such person's clients are natural persons, other than non-qualified pension and profit-sharing plans, in the State of Illinois.
- 2) As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser, has at least \$500,000 under management with the federal covered investment adviser or the federal investment adviser reasonably believes, immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.
- 3) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- 4) In the event the investment adviser representative's activities are terminated, the investment adviser shall file Form U-4 with the Securities Department within 10 days after the termination.
- 5) In the event the investment adviser representative transfers registration from one investment adviser of federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file Form U-4 with the Securities Department, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

# Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8-B of the Act

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:

- 1) The Uniform Application for Investment Adviser Registration (Form ADV), required by 17 CFR 279.1 as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions) including Schedule B thereto listing all branch offices in this State, if any;
- 2) A Consent-to-Service-of-Process-for-the-investment-adviser-on-the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Uniform-Application-for-Investment-Adviser-Registration-required-Under-Section-8-B-of-this-Act-Uniform-Form-U-4--or-Illinois-Form-18-unless-the-applicant-is-a-corporation-organized-in-Illinois-or-is-a-partnership-organized-in-Illinois--or-is-a-trust-authorized-to-transact-business-under-the-laws-of-this-State;

- 2) A balance sheet for the investment adviser as of a date not more than 60 days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:

- A) an affirmation that the information is true and correct; and
- B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept prepayment of fees in excess of \$500.00 per client and six or more months in advance; applicant's most recent Articles of Incorporation or, if a partnership, certificate of assumed name or similar document evidencing the legal name of the applicant.

- 3) One copy of Form U-4 for each investment adviser, whether or not, at or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRO or otherwise, the following:

- A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8-B of the Act; and
- B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section since the date of filing of the information provided whether as a result of a change in the information provided.

- 5) One copy of Form U-4 for each investment adviser representative (other than a beneficial owner of the investment adviser) required by the name and address of each investment adviser representative who renders investment advice in this State on behalf of the applicant and the fee specified in Section 130.110 of this Part;
- 7) One copy of the Illinois Form containing the investment adviser's designated-audit-date-if-other-than-fiscal-year-end;
- 8) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion;
- 9) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State; and

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

184 One copy of the Illinois Form containing an attestation from a principal officer, general partner or sole proprietor that: A) he or she has read and understands the Act and this Part; and

B) he or she will cause each investment adviser representative acting on behalf of the investment adviser in this State to read and understand the Act and this Part. The application and filing with the Securities Department with respect to the investment adviser shall be provided from time to time whenever a change occurs which renders an advertisement contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.

C) For purposes of this Section, material information includes, but is not limited to:

- 1) the name and address of the investment adviser;
- 2) type of business organization of the investment adviser;
- 3) disciplinary action concerning the investment adviser;
- 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
- 5) whether the investment adviser has discretion over clients' portfolios; or
- 6) the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

- a) Each applicant for registration as an investment adviser and federal covered investment adviser shall file with the Securities Department with its application for registration or notification filing a schedule setting forth the address of each branch office in this State defined in Section 130.280 of this Part. A Schedule E of the Uniform Application for Investment Adviser Registration required by Section 130.840(b)(1) shall be filed with the Securities Department. This State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.
- b) Each registered investment adviser and federal covered investment adviser shall file or have filed with the Securities Department at least six (6) days prior to re-registration or notification renewal a schedule setting forth the address of each branch office and pay the Securities Department in Springfield a fee in the form and amount

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

specified in Section 130.110 of this Part for each branch office in this State.

c) No registration or re-registration or notification or notification renewal of an investment adviser or a federal covered investment adviser shall become effective until such schedule of the investment adviser's or the federal covered investment adviser's branch offices has been filed with the Securities Department and such fee, if any has been paid.

d) Registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield within ten business days after the occurrence of the change. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.

e) A federal covered investment adviser shall file with the Securities Department in Springfield each amendment to Schedule E of Form ADV when filed with the Securities and Exchange Commission.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 80(2) 844(4) of the Act Prior to Registration as an Investment Adviser

- a) Examinations and Educational Programs
  - 1) The General Securities Representative Examination (Series 7 or 2) and the Uniform Limited Investment Adviser Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) conducted by the NASD are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 80(2) 844(4) of the Act; or
  - 2) The Series 65 Uniform Limited Investment Adviser Law Examination or the Uniform Combined State Law Examination (Series 66) conducted by the NASD and the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 80(2) 844(4) of the Act:
- b) Designation of Chartered Financial Analyst (CFA) by The Institute of Chartered Financial Analysts;
- c) Designation of Chartered Investment Counselor (CIC) granted by Designation of Counsel Association of America (ICAA);
- d) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr; or
- e) Designation of Certified Financial Planner (CFP) by the Institute of Certified Financial Planners, Board of Standards.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- b) Scheduling of the Series 77-2 or 65 examination shall be with the fees paid to an office of the NASD.
- c) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser if such information is not available to the Securities Department through the CRD.
- d) No fee is due to the Securities Department.
- e) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (b) of this Section prior to registration as an investment adviser. No fee is due to the Securities Department.
- f) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser unless and until he or she is 18 years of age in this State.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8D(5) of the Act**

- a) The Series 65 Uniform Limited Investment Adviser Law Examination conducted by the NASD or the Series 66 Uniform Combined State Law Examination conducted by the NASD or the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each investment adviser representative under Section 8D(5) of the Act:
- 1) Designation of Chartered Financial Analyst (CFA) by the Institute of Chartered Financial Analysts
  - 2) Designation of Chartered Investment Counselor (CIC) granted by the Investment Counselors of America (ICMA)
  - 3) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr, Pennsylvania; or
  - 4) Designation of Certified Financial Planner (CFP) by the Certified Financial Planners' Board of Standards.
- b) Scheduling of the Series 65 or 66 examination shall be with and fees paid to an office of the NASD.
- c) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser representative if such information is not available to the Securities Department through the CRD.
- d) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (a) of this Section prior to registration as an investment adviser representative. No fee is due to the Securities Department when this information is submitted.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

**Section 130.845 Records Required of Investment Advisers**

- a) Except as provided in subsection (d) of this Section, every investment adviser registered by the Secretary of State shall keep the books and records set out in this Section unless otherwise designated by the Secretary of State:
- 1) ledgers or records reflecting all assets and liabilities;
  - 2) income and expense, and capital accounts;
  - 3) a record showing all payments received, including date of receipt, purpose and from whom received, and all disbursements, including date paid, purpose and to whom made;
  - 4) a record showing all receivables and payables;
  - 5) records showing separately for each client the securities purchased or sold, and, to the extent it has been made available to the investment adviser, the date and amount of and price at which such purchases or sales were executed. If available to the investment adviser, this record should also show the name of the security dealer who handled the transaction;
  - 6) records showing separately all securities acquired by the clients of the investment adviser and indicating thereon the proper identification of this individual, the date, the date, amount and price at which such securities were purchased or sold by or for the client; or, in the alternative, a record showing all securities (other than securities enumerated in Section 37A of the Act) bought or sold by or for the accounts of all clients of the investment adviser in each month, the total number of shares or principal amount of each security bought or sold and the lowest and highest price at which purchases or sales were made during the month;
  - 7) copies of dealer's confirmations of all transactions placed by the investment adviser for any account, and the other dealer's confirmations as may be supplied to the investment adviser by a client or dealer;
  - 8) a list showing all accounts in which the investment adviser is vested with discretionary power, unless the records required by subsections subparagraphs (a)(4) and (5) of this Section are maintained in such manner as to disclose which are discretionary accounts, provided that the provisions of subsections subparagraphs (a)(4) and (5) of this Section shall not apply:
    - A) adviser commingles with respect to which the investment adviser renders no services of a supervisory or other nature; or
    - B) to any securities or transactions which a client declines to disclose to the investment adviser;
- and provided further that the provisions of subsections subparagraphs (a)(4), (5), (6) and (7) above shall not apply to





## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

- a) When an application for registration has been on file with the Secretary of State for a period of six months and has not become registered, the Secretary of State shall proceed in the manner determined by this Section as to whether the application for registration has been abandoned by the applicant. If the application for registration has been amended, other than for the purpose of delaying the registration thereof, the six month period shall be computed from the date of such amendment.
- b) A notice filed by the applicant, by registered mail, return receipt requested, addressed to the most recent address for the applicant, shall inform the applicant that the application for registration or amendment, including all of the applications for registration of investment adviser representatives, is out of date and must be either amended, completed to comply with the applicable requirements of the Act, or be withdrawn, or an Order of Abandonment will be entered by the Secretary of State within 30 days after the date of the notice.
- c) If the applicant fails to respond to such notice by filing an amendment, completing or withdrawing the application for registration within 30 days, the Secretary of State may enter an Order declaring the application for registration abandoned.
- d) The applicant, within 15 days after the receipt of the Order of Abandonment, may request in writing the Secretary of State which request shall set forth in detail the reasons why the applicant seeks a hearing.
- e) An Order of Abandonment is entered on all papers comprising the application for registration, with the exception of the application forms and correspondence, will be removed from the files of the Secretary of State.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) Section Numbers: Adopted Action:  
730.20  
Amendments  
730.30
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].
- 5) Effective Date of Rulemaking: August 12, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: August 11, 1997
- 9) Notice of Proposal Published in Illinois Register: April 18, 1997, 21 Ill. Reg. 4935
- 10) Has IAR issued a Statement of Objections to these rules? No
- 11) Differences(s) between proposal and final version: Section 730.20(e) was changed to read: Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
- Section 730.20(f) was changed to read: Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
- In Section 730.20(i)(1)(B), the following language was removed: "Publicly announced means that the information referred to will be included on the Department's internet home page at <http://dnr.state.il.us>, published in the Illinois Register, provided to outdoor writers for newspapers, and placed on the Fall Free Hotline."
- 12) Have all the changes agreed upon by the Agency and IAR been made as indicated in the agreement letter issued by IAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

(15) Summary and Purpose of Rulemaking: This Part is being amended to open and close sites and to change regulations and application procedures.

(16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 730  
DOVE HUNTING

Section      Statewide Regulations  
730.0      Regulations at Various Department-Owned or -Managed Sites  
730.20      Regulations at Various Department-Owned or -Managed Sites  
730.30      Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1992, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective August 16, 1985; emergency amendment at 9 Ill. Reg. 10225, effective September 16, 1986; amended at 10 Ill. Reg. 11346, effective June 10, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11709, effective August 5, 1996.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall possess only bismuth or lead shot size #7 1/2, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.

2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife



DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

Service in 50 CFR 201.46 steel shot or #7 1/2 bismuth shot or smaller may be possessed on the following areas:

- Anderson Lake Conservation Area  
Banner Marsh Fish and Wildlife Area  
Cache River State Natural Area  
Carlyle Lake Wildlife Management Area (subinboundments only)  
Chain O'Lakes State Park  
Hennepin Canal Parkway State Park  
Horseshoe Lake Conservation Area (Alexander County)  
Kaskaskia River State Fish & Wildlife Area (designated areas)  
Lake Shelbyville Wildlife Management Area (waterfowl management units only)  
Peabody River King State Fish and Wildlife Area  
Rend Lake Project Lands and Waters  
Sanganois State Fish and Wildlife Area  
Shabbona Lake State Park  
Snake Den Hollow State Fish and Wildlife Area  
Ten Mile Creek Fish & Wildlife Area (areas posted as rest area on the Eads Mine and Belle River Units)  
Union County Conservation Area  
Wayne Fitzgerald State Recreation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.  
4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.  
5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.  
6) At sites where additional regulations apply, they are noted in

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- parentheses after the site name.  
7) Hunting hours at all sites that are open during the upland game season shall coincide with hunting hours listed for the respective sites listed in 17 Ill. Adm. Code 530.  
c) Statewide season regulations as provided for in this rule shall apply at the following sites:

- Argyle Lake State Park (season opens day after Labor Day)(#)  
Cache River State Natural Area (#)  
Campbell Pond Wildlife Management Area (#)  
Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)  
Chauncey Marsh ( permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)  
Cypress Pond State Natural Area (#)  
Dog Island Wildlife Management Area (#)  
East Conant Field (permit required; must be returned by February 15)  
Ferrie Clyffe State Park (#)  
Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)  
Ft. Massac State Park (#)  
Kidd Lake State Natural Area (closes October 14)  
Kinkaid Lake Fish and Wildlife Area (#)  
Mazonia State Fish and Wildlife Area (season closes September 30) (#)  
Mississippi River Pools 16, 17 and 18  
Mississippi River Pools 21, 22, 24  
Oakford Conservation Area  
Panther Creek Conservation Area (#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Rend Lake Project Lands and Waters (#)

Sand Ridge State Forest (#)

Sangamon County Conservation Area

Sato Field (permit required; must be returned by February 15)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson Sauk Trail State Park (#)

Matthiessen State Park (#)

Mautino Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Pyramid State Park (#)

Sangamon State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area (#)

Victoxia Pheasant Habitat Area (#)

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area (#)

Big River State Forest (#)

Carly's Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Eldon Hazlet State Park (closes October 14) (#)

Lake Shelbyville - Kaskaskia Wildlife Management Area (Dove Management Fields Only)

Marseilles Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middlefork Fish and Wildlife Management Area (Dove Management Fields Only)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Ray Norbut State Fish and Wildlife Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Lake Le Aqua Na State Park (#)

Red Hills State Park (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Siloam Springs State Park (#)

Wayne Fitzgerald State Recreation Area (season opens day after Labor Day) (closes October 14)

- g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek Wildlife Management Area

Lake Shelbyville - Kaskaskia Wildlife Management Area (except Dove Management Units)

Little Vermillion River State Natural Area

Middlefork Fish and Wildlife Area (except Dove Management Units)

- h) Sites participating in approved research project to study effects of hunting hours on dove harvest. Check in and check out to report harvest is required. A drawing will be held at 11:00 a.m. at sites that begin hunting at 12 noon and 1/2 hour before sunrise at sites that begin hunting at sunrise. If more hunters show up than can be accommodated, Sites and research hunting hours are listed below:

- 1) Hunting hours are sunrise to 12 noon

Clinton Lake State Recreation AreaCrawford County Conservation AreaGiant City State Park

Horseshoe Lake Conservation Area (season closes October 14)

Mt. Vernon Game Procurement CenterRandolph County State Conservation AreaSam Parr State Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State Forest

3-24 Wildlife Management Area

Moraine View State Park (closes October 14)

Satine County Fish and Wildlife Area

Sam Rife Fish and Wildlife Area

Stephen A. Forbes State Park

Washington County Conservation Area (closes October 14)

- 2) Hunting hours are 12 noon to 5:00 p.m.

Fox Ridge State Park

Moraine View State Park (closes October 14)

Saline County Fish and Wildlife Area

Sam Dale Fish and Wildlife Area

Stephen A. Forbes State Park

Union County Conservation Area (closes October 14)

Washington County Conservation Area (closes October 14)

Crawford County Conservation Area

Hamilton County Fish and Wildlife Area

Horseshoe Lake Conservation Area (season closes October 14)

Kaskaskia River Fish and Wildlife Area (Boza Creek Waterfowl Management Area) (closes October 14)

Mernett Lake Fish and Wildlife Area

Ramsey Lake State Park

Shelbyville West Okaw Wildlife Management Area

- 3) Hunting hours are sunrise to 5:00 p.m.

Hamilton County State Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State ForestI-24 Wildlife Management Area

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 13)

Mermet Lake State Fish and Wildlife AreaRansay Lake State ParkShelbyville West Okaw Wildlife Management AreaStinson-Lake State-Recreation AreaPow-Hedge State ParkStant-City State ParkMt. Vernon Game-Propagator CenterRandolph County Conservation AreaSan-Bar-Fish-and-Wildlife AreaUnion County Conservation Area (closes October 14)i) Permit Areas

- 1) Permit Season Regulations
  - A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.
  - B) Permit Applications
 

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

    - C) Each person applying for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
    - D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Site M as

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

indicated in subsection (1)(3). All permits will be issued from Springfield and not from the site, except at Site M as indicated in subsection (1)(3).

- E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are openings.
- F) Applicants must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
  - A) Non-permit season shall be September 6-30 except as indicated in parentheses.
  - B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.
  - C) No permits are required except as indicated in parentheses.
  - D) Check in and check out is required except as indicated in parentheses.
  - E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des. Plains Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Fish and Wildlife Area

Green River State Wildlife Area/Maecker Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Kankakee River State Park

Mackinaw Fish and Wildlife Area

Sangchris Lake State Park

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Site M (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the dove season)

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held the first weekend day Saturday in September of Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day Saturday in September of Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers:

590.10	Adopted Action:
590.15	Amendments
590.20	Amendments
590.50	Amendments
590.60	Amendments
590.80	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) Effective Date of Rulemaking: August 12, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: August 11, 1997
- 9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4215
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 590.10(g)(2), "during the Canada goose season" was added at the end of the sentence.

In Section 590.10(j), "during the Canada goose season" was added at the end of the sentence.

In Section 590.10(k)(2), "mark with indelible ink," was added following "must".

In Section 590.15(b)(4), "Publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>," published in *Outdoor Illinois*, provided to outdoor writers for newspapers, and placed on the Toll Free Hotline" was deleted.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- In Section 590.15(b)(8), "subsections" was changed to "Sections".
- In Section 590.15(c)(7), "during duck season and Canada goose season" was added following "12 decoys."
- In Section 590.15(e)(2), "subsections" was changed to "Section" in two places.
- In Section 590.20(a), the period at the end of the sentence was replaced with a parenthesis.
- In Section 590.20(c)(5), a period was placed inside the closing parenthesis.
- In Section 590.50(a), Red's Landing, "/boats without motors" was added following "walk-in"; "during the regular duck season" was deleted; and "; boats without motors may be used" was replaced with "hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys."
- In Section 590.60(b)(8)(L), "5/2.33" was changed to "2.33".
- In Section 590.60(b)(9), "permit" was changed to "permits" in two places.
- In Section 590.60(b)(28)(J), "the" was added prior to "walk in".
- In Section 590.60(b)(29)(B), a closing parenthesis was added following "J".
- In Section 590.80(a)(7), added: "During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force."
- In Section 590.80(a)(7), a closing parenthesis was added.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to change season dates, open additional sites to hunting and change site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations	Coot General Hunting Regulations on all
590.10	Duck, Goose and Managed Sites Only - Duck, Goose and Coot Hunting Permit Requirements	
590.20	Illinois Youth Waterfowl Hunting Permit Requirements	
590.25	Illinois Youth Duck Hunting Permit Requirements (Repealed)	
590.26	Duck, Goose and Coot General Hunting Regulations on all	
590.30	Department-Owned and-Managed Sites (Repealed)	
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting	
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting	
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting	
590.70	Ohio River	
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites	

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.8, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 3.32, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42, 3.43, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49, 3.50, 3.51, 3.52, 3.53, 3.54, 3.55, 3.56, 3.57, 3.58, 3.59, 3.60, 3.61, 3.62, 3.63, 3.64, 3.65, 3.66, 3.67, 3.68, 3.69, 3.70, 3.71, 3.72, 3.73, 3.74, 3.75, 3.76, 3.77, 3.78, 3.79, 3.80, 3.81, 3.82, 3.83, 3.84, 3.85, 3.86, 3.87, 3.88, 3.89, 3.90, 3.91, 3.92, 3.93, 3.94, 3.95, 3.96, 3.97, 3.98, 3.99, 4.00, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.32, 4.33, 4.34, 4.35, 4.36, 4.37, 4.38, 4.39, 4.40, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.47, 4.48, 4.49, 4.50, 4.51, 4.52, 4.53, 4.54, 4.55, 4.56, 4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.69, 4.70, 4.71, 4.72, 4.73, 4.74, 4.75, 4.76, 4.77, 4.78, 4.79, 4.80, 4.81, 4.82, 4.83, 4.84, 4.85, 4.86, 4.87, 4.88, 4.89, 4.90, 4.91, 4.92, 4.93, 4.94, 4.95, 4.96, 4.97, 4.98, 4.99, 5.00, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, 5.73, 5.74, 5.75, 5.76, 5.77, 5.78, 5.79, 5.80, 5.81, 5.82, 5.83, 5.84, 5.85, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.95, 5.96, 5.97, 5.98, 5.99, 6.00, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 7.00, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 7.54, 7.55, 7.56, 7.57, 7.58, 7.59, 7.60, 7.61, 7.62, 7.63, 7.64, 7.65, 7.66, 7.67, 7.68, 7.69, 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76, 7.77, 7.78, 7.79, 7.80, 7.81, 7.82, 7.83, 7.84, 7.85, 7.86, 7.87, 7.88, 7.89, 7.90, 7.91, 7.92, 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 8.00, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, 8.26, 8.27, 8.28, 8.29, 8.30, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.38, 8.39, 8.40, 8.41, 8.42, 8.43, 8.44, 8.45, 8.46, 8.47, 8.48, 8.49, 8.50, 8.51, 8.52, 8.53, 8.54, 8.55, 8.56, 8.57, 8.58, 8.59, 8.60, 8.61, 8.62, 8.63, 8.64, 8.65, 8.66, 8.67, 8.68, 8.69, 8.70, 8.71, 8.72, 8.73, 8.74, 8.75, 8.76, 8.77, 8.78, 8.79, 8.80, 8.81, 8.82, 8.83, 8.84, 8.85, 8.86, 8.87, 8.88, 8.89, 8.90, 8.91, 8.92, 8.93, 8.94, 8.95, 8.96, 8.97, 8.98, 8.99, 9.00, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 9.09, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, 9.28, 9.29, 9.30, 9.31, 9.32, 9.33, 9.34, 9.35, 9.36, 9.37, 9.38, 9.39, 9.40, 9.41, 9.42, 9.43, 9.44, 9.45, 9.46, 9.47, 9.48, 9.49, 9.50, 9.51, 9.52, 9.53, 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## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
- 4) Central Illinois Quota Zone - Cahoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
  - 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
  - 6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Farmview, Farmington, Joshua, Orion, Putnam, and that portion of Hamer Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
  - 7) Rend Lake Canada Goose Quota Zone - All lands and waters in Franklin and Jefferson Counties.
  - 8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kane, Kane, Kendall, Lake, McHenry and Will.
  - 9) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

i) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.

j) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

k) The following apply in the Northern and Central Illinois Quota Zones:

- 1) September 15<sup>th</sup> through without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
- 2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the permit to hunt to indicate the date of kill (one date for each goose harvested).
- 3) Hunters must report their kill within 24 hours by calling (800) 367-3663. Hunters must report the number of geese taken during the season.

l) During any goose seasons that occur after the close of the Canada

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

goose season the following areas within Union and Alexander Counties are closed to goose hunting:

- 1) Alexander County - that area encompassed by a line beginning at the intersection of Len Small Levee Road and Fayetteville Road and extending easterly along Fayetteville Road to State Route 3, easterly along State Route 3 to Railroad Street, northeasterly along Railroad Street to Sandy Ridge Road, easterly along Sandy Ridge Road to State Route 127, southerly along State Route 127 to State Route 3, southerly along State Route 3 to Illinois City Road, westerly along Miller City Road to State Route 127, and northeasterly along Len Small Levee Road to the intersection of Union County - that area encompassed by a line beginning at the intersection of the Union County/Alexander County Line and State Route 127 and extending westerly along the Union County/Alexander County Line to Mississippi River Levee Road, northerly along the Mississippi River Levee Road to Dam Road, easterly along Dam Road to Ware-Wolf Lake Road, easterly along Ware-Wolf Lake Road to State Route 146, easterly along State Route 146 to State Route 127, southerly along State Route 127 to the Union County/Alexander County Line.
- 2) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

# Section 590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites

## a) Definitions

- 1) Blind site - A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department of Natural Resources.
- 2) Blind builder - Person who has been assigned a blind site as a result of the drawing.
- 3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting purposes which blind sites are assigned.
- 4) Drawing procedure - The process by which blind sites are assigned.
- 5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
- 6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.
- b) Blind Construction
- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
  - 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
  - 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of duck season (except at Mississippi River, Atoka Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of duck season) after which time the Department of Natural Resources Conservation shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
  - 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternatives selected at a drawing or by a first come, first served basis on the day of the public drawing announced by the Department of Natural Resources. All blinds that are not included in final brushing, seven days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the duck season.
  - 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days of the Blind opening date. Failure to do so shall result in forfeiture of blind.
  - 6) No person shall be allowed to be a blind builder or partner on

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- More than one State Waterfowl Management Area in Illinois.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the duck season. Blinds shall be completed including final brushing by three weeks prior to the opening date of duck season except at Mississippi River Area Pools 25 and 26 boat hides. Final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections subsections 590.40(a) and (b) and 590.50(a) and (b).
- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered an occupation of a blind.
  - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
  - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
  - 4) Blinds shall not be locked.
  - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
  - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
  - 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or at sites where a manned check station is in operation. Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
- d) Public Drawing
- 1) Time and place for all sites holding drawings shall be publicly announced by the Department of Natural Resources.
  - 2) A registrant for a drawing must be at least 16 years of age and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have a Firearm Owner's Identification Card must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

## e) Flood Blinds

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting at one or more of the following rules:

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
- 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section subsections 590.40(b)(1), (2), (3), (4) and (5) shall not be in force. Rules concerning blind claiming as listed in Section subsection 590.50(b) shall apply.
- 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl refuges. Replacement of unattended decoys and/or concealed blinds or boat hides do not constitute law enforcement of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing blinds regulations.
- 4) In the above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

## f) Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites which, under the circumstances prevailing at that time, the Department believes may be opened without unduly disturbing other Department programs.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 11713, effective AUG 12 1997)

## Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area (for the 1997/1998 season, permits will be awarded through random daily drawings at the site at 10:00 a.m.); the permit requirements in subsections (b)(1) and (b)(5) do not apply.

Snake Den Hollow State Fish and Wildlife Area

Union County Conservation Area

- b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.

2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological characteristics, topography, and configuration of the available land; the condition of the roads at the site; the land at the site; the availability of work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].

3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one partner (two persons per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three partners (four persons per blind) for Banner Marsh. Unfilled blinds shall be filled by a drawing at the sites.

4) Permits are not transferable.

5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources

Permit Office - Waterfowl

P.O. Box 1657

Springfield, IL 62794-9457

## c) General regulations

- 1) All use other than permit hunting is prohibited at Snake Den Hollow from October 1 through close of Fulton-Knox County goose

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

season.

- 2) Hours, Permits and Stamp Charges
  - A) Hunting hours are from legal opening time until 1:00 p.m..
  - B) At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of the season, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. At Union County Conservation Area and Banner-Marsh hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Union County Conservation Area, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.
  - C) A \$15.00 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area. A \$45.00 Daily Usage Stamp must be purchased at Banner-Marsh.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Quota zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.254.1)
- 6) The legal hunting season at Snake Den Hollow is the dates of the Fulton-Knox County goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season. Goose-hunting-is-prohibited after-the-duck-season.
- 8) Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag at Union County Conservation Area and Snake Den Hollow.
- 9) Hunters and their guns may leave the blind to retrieve discarded waterfowl at Union County Conservation Area.
- 10) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 11713, effective  
AUG 12 1997)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Blending Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl) is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blind materials must be salvaged 7 days after current year's drawing; except blind numbers 15, 18 and 20 must be removed in their entirety by May 1)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Heimbald Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake DePue Walk-in Unit (daily drawing; daily hunting hours are sunrise to 1:00 p.m.)

Lake Simmsippi (Department Owned Land; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, and 32 must be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

removed in their entirety by May 1)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Mississippi River Pool 16 (Federal Lands; no permanent blinds-temporary blinds only above Velle Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Pekin Lake (Department Owned Land)

Pisasa Island (3 year blind allocation period)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as walk-in/boats without motors area only; during-the-regular-duck season; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during the duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

only, daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites at the drawing; previous years blind builders shall have until February 1 to salvage blind materials)

b) The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blinds shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
- 7) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind sites. Blind sites must present current year's Illinois State Wildlife and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- 8) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

waterfowl season through the waterfowl season as posted at the site.

9) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partner for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

William Powers Conservation Area

(Source: Amended at 21 Ill. Reg. 11713, effective AUG 12 1997)

## Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10), General Department Regulations (Section 590.30) and the following regulations, except as noted.

- a) Regulations
  - 1) Hunting hours are from legal opening to 1:00 p.m., except hunting hours are extended until noon on sites indicated with by (1) following the location in subsection (b).
  - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pils can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
  - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
  - 5) No hunting is permitted within 200 yards of developed recreation

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

areas, public use facilities, and construction or industrial sites.

6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.

7) It shall be unlawful to trespass upon areas designated as waterfowl hunting areas or impoundment areas prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.

8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

## b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters

A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bounded by the Kaskaskia River to the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorn Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundment areas. Department of Natural Resources personnel will designate boat launching locations. Individual float--tubes--not--to exceed--42--diameter--and--capable--of--supporting--only--one person--may--be--used.

D) When the water level in the subimpoundment area is too high (above 10 ft) to allow walk-in hunting, the Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations. Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting--Department--of--Natural Resources--personnel--shall--post--that--the--area--is--open--to



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- boats-and-with-designate-boat-launching-locations---Boats and-electric-trotting-motors-only-are-allowed-only-at-these times-in-the-subindependent-areas-
- E) In the subindependent areas, compartment 4 will be a waterfowl rest area during the entire waterfowl season. Hunting within 50 yards of signs on E and F levees which contain subindependent 4 is permitted. No transgression will be allowed, except for hunters boating through the area on the Kaskaskia River along F levee and boats hunting on Hurricane Creek between C and D levees. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out untended or after 3:00 p.m. each day of the waterfowl season except during the last 3 days of the Canada goose and Canada goose and Canada goose seasons that occur after Canada goose season, decoys shall not be left out untended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box located at the access-parking lot. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- 4) Chauncey Marsh (1) Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1) Permit obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) No more than 4 persons shall occupy or use a portable boat blind.
- D) Each hunting party is required to hunt over a minimum of 12 decoys.
- E) No hunting is permitted within 300 yards of power lines.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 6) Cypress Pond State Natural Area (1) Dog Island and Wildlife Management Area (1) 1167 must sign in prior to hunting and sign out reporting harvest at end of each day.
- 8) 177 Donnelly State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Hunting hours start at sunrise.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- F) \$10.00 daily usage stamp must be purchased to hunt this area.
- G) No outboard motors are allowed by public - only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1:00 P.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 12 decoys may be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 9) East Conant Field Waterfowl Hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- 10) 84 Fox Ridge State Park (1) Hunting restricted to Embarras River and its flood waters.
- 11) 97 Fort de Chartres Wildlife Management Area Site (1) A) Hunting is allowed from anchored, portable boat blinds only on one-half first served basis.
- B) decoys which must be removed at the end of each hunting day.
- C) 3) No hunting is allowed during firearm deer season.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

12)144 Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to blind sites must be by boat only and from designated boat launch.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters prior to the season. The season shall be closed to the waterfowl season prior to the season. The season shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) No hunting on New Year's Day and New Year's Day.
- L) All water crosses not posted with blind site number shall be closed and are closed to all boat traffic except by authorized personnel.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- M) It is unlawful to shoot across any dike.

- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

13)144 Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

- A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays, and Wednesdays. On the day of the fourth Goose Hunt (this site shall be open only on the following day) and the day of the fifth Goose Hunt (this site shall be open only on the following day) other than a Monday, pursuant to Section 590.25).

- B) Hunting shall be done from assigned blinds only.
- C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal hunting hours at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

- D) Hunters must deposit their license prior to going to their blinds.

- E) Hunters must park in assigned, designated areas only.

- F) Hunters must hunt over a minimum of 12 Canada goose decoys.

- G) Hunters must return to the check station and report their hunt to the station operator.

- H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

- I) Hunters cannot move from blind to blind.

- J) Hunters cannot move from blind to blind.

- K) Hunters cannot move from blind to blind.

- L) Hunters cannot move from blind to blind.

- M) Hunters cannot move from blind to blind.

- N) Hunters cannot move from blind to blind.

- O) Hunters cannot move from blind to blind.

- P) Hunters cannot move from blind to blind.

- Q) Hunters cannot move from blind to blind.

- R) Hunters cannot move from blind to blind.

- S) Hunters cannot move from blind to blind.

- T) Hunters cannot move from blind to blind.

- U) Hunters cannot move from blind to blind.

- V) Hunters cannot move from blind to blind.

- W) Hunters cannot move from blind to blind.

- X) Hunters cannot move from blind to blind.

- Y) Hunters cannot move from blind to blind.

- Z) Hunters cannot move from blind to blind.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Decoys must be picked up at the end of each day's hunt.  
 Between Highway 13 and Highway 154 bridges, all hunters are required to sign out and report harvest daily at the nearest check station.

E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

15) ~~Kinkaid Lake Fish & Wildlife Area (1)~~  
 15) ~~Kinkaid Lake Fish & Wildlife Area (1)~~  
 15) ~~Kinkaid Lake Fish & Wildlife Area (1)~~

19) ~~State Natural Area (1)~~  
 19) ~~State Natural Area (1)~~  
 19) ~~State Natural Area (1)~~

A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.

B) McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

i) All parties must hunt within 10 yards of their

ii) Allignments must be in place by one-half hour before hunting time.

iii) All parties are required to report their harvest by 2:00 P.M. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(18)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.  
 F) Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. This permit does not entitle the hunter to harvest reported by the permittee. If the hunter will forfeit his hunting privileges at this site for the following year.

20) ~~Metropolis Lake - Cass County Portion Only (meandered waters only)~~

A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

21) ~~Metropolis Lake - Cass County Portion Only (meandered waters only)~~

A) Waterfowl hunting shall be permitted only during the duck hunting season.

B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal opening time.

D) All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

with particular blind sites located along the levee road.  
F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

## 22)247 Midwestern National Tallgrass Prairie

A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.  
B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and the day after Thanksgiving.  
D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

## 23)247 Oakford Conservation Area (1)

23)247 Ray Norbut State Fish and Wildlife Area (1)  
Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.

## 25)247 Rend Lake Project Lands and Waters

A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during the last 3 days of the Canada goose season, after sunset and not return until 4:30 a.m. after sunset and not return until 4:30 a.m. after sunset.  
B) No hunting permitted from the subimpoundment dams.  
C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

D) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.  
E) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.

F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.  
G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood Check station following the draw for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing will be assigned to the drawing pits may select any unclaimed staked location after the drawings.  
ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.  
iii) All hunters must have the registration card from the check station in their possession while hunting.  
iv) Two standby parties will be drawn for pit refill after move-up of initial hunting parties, in the reverse order of the order the pits were drawn.

v) No more than 6 dozen decoys may be used per pit.  
vi) No more than 4 hunters will be allowed in a pit or hunting party.

B) Each hunting party must be out of the Casey Fork Creek at the end of each day's hunt, and all decoys must be picked up by 2:00 p.m. each day.  
i) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.  
j) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.  
ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.  
iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.  
iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would separate the Casey Fork and Illinois.

v) Bounded on the west from the Casey Fork Creek by the Casey Fork Subimpoundment Dam.  
vi) Bounded on the east by the Casey Fork Creek project limits.

K) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- staked site at any given time.
- ii) Stakes will be assigned via a daily drawing held at 4:30 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
- iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as will operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
- iv) Hunters (including those who are not drawn in the initial daily drawing) will not be allowed to enter the staked area until 9:00 a.m. No hunting party may enter the staked area after 9:30 a.m. Hunters will not be allowed to enter the staked area between 9:00 a.m. and 9:30 a.m. unless there are vacant staked hunting locations.
- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the stake and the first come-first served basis.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.
- 26) 25 Saline County Conservation Area (1)  
A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 27) 26 Sand Ridge State Forest (and Turtle State Natural Area) (1)  
A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.
- 28) 27 Sangamon Conservation Area  
A) Hunters using the walk-in area shall use the check station

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- C) All hunters using a walk-in area must report to the check station on all identification cards and to turn in hunting permits or Firearms Owner's Identification Cards before proceeding to area.
- D) Upon the completion of hunting, hunters must report to the check station within one hour.
- E) Fishing is prohibited in the impoundment areas during the duck season.
- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- H) When the central zone goose season extends beyond the duck hunting season, hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- I) No hunting permitted from the walk-in area subimpoundment levee.
- J) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.
- 29) 28 Sangchris Lake State Park  
A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (on the event that the drawing is not available) shall be allocated during the duck season on a first-come-first-served basis. (During that portion of the duck season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) All hunting must be done on registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(27)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- F) No more than 4 persons shall occupy a blind at one time.
- G) The center arm of the lake shall be closed to all waterfowl hunting.
- H) Hunting sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- I) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- J) Access to blind sites shall be by boat only and from designated boat launch sites. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.
- L) Closed waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- M) No pits or blinds shall be built on State leased or Commonwealth Edison land.
- N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.
- O) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.
- P) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- Q) If a blind is deemed necessary for public safety reasons, such as flood, high wind, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- R) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 30) Sato Field shall be reserved at the end of each day's hunt.
- 31) Waterfowl hunters must obtain permit prior to hunting. Permit must be returned by February 15.
- 31)997 Shawnee National Forest, Upper and Lower Bluff Lakes Goose hunting is prohibited.
- 32)987 Shawnee National Forest, LeBue Skatters All hunting must be by walking in or in boats without motors.
- 33)917 Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
- A) All hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- B) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- 34)987 Stephen A. Forbes State Park
- A) On the main lake hunting is allowed from a boat blind only on the designated areas.
- B) On the designated areas.
- C) Hunting shall be by foot. Decoys must be first-class, come-first served basis.
- 35)987 Ten Mile Creek Fish and Wildlife Area (1)
- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) At the close of the duck season, goose hunters in that portion of the Belle River unit that lies south of the Eads Mine Zone may not hunt in the 250 acre tract.
- 36)947 Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)
- 37)957 Union County (Firing Line Waterfowl Management Area)
- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.
- B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.
- C) During goose season hunting from staked sites only.

(Source: Amended at 21 Ill. Reg. 11.13, effective



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:
  - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).
  - 2) Sites are closed for hunting for seasons before duck season or for seasons after the regular Canada goose season.
  - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
  - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
  - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
  - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are waived. No baiting is allowed.
- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area \*

Cariyle Lake Project Lands and Water \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) \*

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except lands and waters covered in Section 590.60(b)(18))

Marshall Fish and Wildlife Area \* #

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shavnee Forest, LaRue Scatters

Shavnee Forest, Oakwood Bottoms

Sparree Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Woodford Fish and Wildlife Area \* #

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) \* @

Horseshoe Lake Fish and Wildlife Area (Controlled Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

have site specific permit)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (closed after regular duck season) \* §

Union County Fish and Wildlife Area (Firing Line Management Area and  
Controlled Hunting Area)

- d) The following sites will be opened to all goose hunting during any  
Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* §

Braidwood State Fish and Wildlife Area \*

Clinton Lake

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Mississippi Mississippi Fish and Wildlife Area

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park \*

Spring Lake Fish and Wildlife Area \*

Starved Rock State Park \*

- e) The following sites will be opened to any goose hunting seasons that  
occur after the regular Canada goose hunting season:

Banner Marsh \* §

Mississippi River Pools 21, 22 and 23 §

Stephen A. Forbes State Park \*

Snake Den Hollow \* §

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective  
11/1/03)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Wrongful Tree Cutting2) Code Citation: 17 Ill. Adm. Code 15853) Section Numbers: Adopted Action:

1585.10 New Section

1585.20 New Section

1585.30 New Section

1585.40 New Section

4) Statutory Authority: Implementing and authorized by the Wrongful Tree Cutting Act (740 ILCS 185).5) Effective Date of Rulemaking: August 12, 19976) Does this rulemaking contain an automatic renewal date? No7) Does this rulemaking contain incorporations by reference? No8) Date filed in Agency's Principal Office: August 11, 19979) Notice of Proposal Published in Illinois Register: May 2, 1997, 21 Ill. Reg. 539410) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between Proposal and final version:

In Section 1585.10 - Commercial Timber - changed "product" to "forest products".

In Section 1585.10 - Doyle Log Rule - a semi-colon was added after "is" and the definitions were put on separate lines.

In Section 1585.20(b)(1), "which" was changed to "that" and "Act" changed to "Part".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: This Part outlines a method of value determination for commercial trees cut without authorization; defines commercial timber and the measures and methods to determine unit value and clarifies what appraisals may be used.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

16) Information and questions regarding this adopted rule shall be directed to:

Jack Price

Department of Natural Resources

524 S. Second Street, Room 430

Springfield, IL 62701-1787

217/782-1809

The full text of the Adopted Rule begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRYPART 1585  
WRONGFUL TREE CUTTING

Section  
1585.10 Definitions  
1585.20 Volume and Value Determination  
1585.30 Appraisers  
1585.40 Parties

AUTHORITY: Implementing and authorized by the Wrongful Tree Cutting Act [740 ILCS 185].

SOURCE: Adopted at 21 Ill. Reg. 11749, effective \_\_\_\_\_.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## Section 1585.10 Definitions

"Commercial Timber" - means species of trees of a size which will be purchased by available primary forest products market, such as for sawlogs, pulpwod veneer and other forest products, which at the minimum will produce one stick of wood with a 4 inch diameter inside the bark at the small end and 8 feet long or greater.

"Department" - means the Illinois Department of Natural Resources.

"Diameter at Breast Height" (DBH) - means the stem diameter, outside bark, at a point 4.5 feet above ground.

"Doyle Log Rule" - is:

$$\frac{(D - 4)^2}{4} \text{ BF}$$

where: D is diameter of the small end of a log in inches

L is the log length in feet

BF is Board Feet.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

## Section 1585.20 Volume and Value Determination

- a) Volume. The Doyle Log Rule will be used to determine board foot volume.
- b) Value.

- 1) No value will be assigned to any tree that will not meet the definition of commercial timber. This Part does not apply to replacement, aesthetic, shade-tree or landscaping value.
- 2) The unit value will be based on the appraiser's knowledge of commercial timber market values based on comparable sales or sawmill purchases of commercial timber. The estimated value will be the dollar amount of the commercial timber had it been offered for sale on the open market. The "Illinois Timber Price" report issued by the Illinois Department of Agriculture and the Illinois Department of Natural Resources can be used to determine commercial timber value.

## Section 1585.30 Appraisers

- a) Within 15 days after receiving a court order requiring the appointment of these appraisers, the Department shall initiate the contact of enough potential appraisers to obtain 3 who agree to appraise the ordered site. Appraisers shall be either:
- 1) Timber buyers currently licensed in Illinois; or
  - 2) Individuals possessing at least a bachelor's degree with a major in Forestry and who have expressed a willingness to be a timber appraiser and have a knowledge of Illinois' local commercial timber values.
- b) Disqualification. Appraisers must not have contracted nor conducted business with either the plaintiff or defendant in the case within the previous 5 years.
- c) Report. Within 10 working days after examining the site, each appraiser shall submit a report to the Department. The report must contain, at a minimum, the appraiser's name and address and the total value determination. This report must be accompanied by the appraiser's expenses as a separate document listing the court case as the billing party.
- d) Payment. Appraisers shall be paid by the parties pursuant to Sections 3 and 4 of the Act.

## Section 1585.40 Parties

The parties and their legal representatives will be advised of the time and date of the appraisal, and may be present if they so desire. The parties are responsible for plainly delineating boundary lines prior to any appraisal.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Respiratory Care Practice Act

- 2) Code Citation: 68 Ill. Adm. Code 1456

- 3) Section Numbers: Adopted Action:

1456.05 New Section  
1456.10 New Section  
1456.20 New Section  
1456.30 New Section  
1456.40 New Section  
1456.50 New Section  
1456.60 New Section  
1456.70 New Section  
1456.80 New Section  
1456.90 New Section  
1456.100 New Section  
1456.110 New Section  
1456.120 New Section

- 4) Statutory Authority: Implementing the Respiratory Care Practice Act [225 ILCS 106]

- 5) Effective Date of Rulemaking: August 11, 1997

- 6) Does this rulemaking contain an automatic renewal date? No

- 7) Does this rulemaking contain incorporations by reference? Yes--"Statement of Ethics and Professional Conduct" of the American Association for Respiratory Care.

- 8) Date Filed in Agency's Principal Office: August 11, 1997

- 9) Notice of Proposal Published in Illinois Register: March 21, 1997; 21 Ill. Reg. 3407

- 10) Has JCARR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: No substantive changes were made to the proposed version. The only changes involved spelling, style and technical discrepancies (correcting the names of examinations, including affiliates of listed associations as continuing education providers, etc.).

- 12) Have all the changes aired upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Public Act 89-0033, effective January 1, 1996, provides for the licensure of respiratory care practitioners by the Department of Professional Regulation.

- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Department of Professional Regulation  
Address: 320 West Madison, 3rd Floor  
Springfield, Illinois 62786  
Fax: 217/782-7645  
Telephone: 217/785-0813

The full text of the Adopted Rule begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1456

## RESPIRATORY CARE PRACTICES ACT

- Section 1456.05 Application for licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather)
- 1456.10 Definitions
- 1456.20 Approved Respiratory Care Training Program
- 1456.30 Application for Licensure on the Basis of Examination
- 1456.40 Application for Licensure for Graduates from a Nonapproved Program
- 1456.50 Examination
- 1456.60 Endorsement
- 1456.70 Renewals
- 1456.80 Inactive Status
- 1456.90 Restoration
- 1456.100 Unprofessional Conduct
- 1456.110 Continuing Education
- 1456.120 Granting Variances

AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 1175.1, effective 11/75/1.

Section 1456.05 Application for licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather)

- a) Any person seeking a license under Section 50(b) of the Respiratory Care Practice Act (the Act) shall file an application with the Department, on forms provided by the Department. The application shall be postmarked no later than January 1, 1998, and shall include the following:
- 1) Documentation of employment as a respiratory care practitioner as defined in Section 50(b) of the Act for at least 3 of the 5 years prior to January 1, 1996. Employment shall be documented by one or more of the following:
    - A) Certification of experience, on forms provided by the Department, signed by an employer; or
    - B) Three affidavits submitted by peers familiar with the

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- applicant's experience as a respiratory care practitioner;
- 2) A completed history;
  - 3) The required fee as set forth in Section 75(a) of the Act;
  - 4) Certification on forms provided by the Department, from a jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear before the Board to explain such information, to satisfy the Board of the accuracy of the information, or to clear up any discrepancies or conflicts in information.

## Section 1456.10 Definitions

"Act" means the Respiratory Care Practice Act.

"Board" means the Respiratory Care Board.

"Department" means the Department of Professional Regulation.

"Respiratory care practitioner" means a person who is licensed by the Department and meets all of the following criteria:

the person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

the person is capable of serving as a resource to the licensed physician in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

the person is able to function in situations of unsupervised patient contact requiring great individual judgment.

the person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services (Section 10 of the Respiratory Care Practice Act [225 ILCS 106/10]).



## DEPARTMENT OF PROFESSIONAL REGULATION

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

## Section 1456.20 Approved Respiratory Care Training Program

- a) The Department of Professional Regulation (the Department) shall, upon the recommendation of the Respiratory Care Board (the Board), approve a respiratory care program if it meets the criteria set forth in this Section. The institution:
- 1) is regionally accredited or legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree or certificate;
  - 2) has a sufficient number of full-time faculty members to ensure educational obligations to the students are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees or experience in their area(s) of teaching from professional colleges or institutions;
  - 3) has a program director, clinical coordinator and medical director; and
  - 4) has 62 semester hours or the equivalent of a 12 month course of study which includes, but not limited to, all of the following curriculum/subject areas with structured laboratory and clinical experience:

## A) Basic Sciences:

Biology

Cardiopulmonary anatomy and physiology

Chemistry

Human anatomy and physiology

Immunology

Mathematics

Microbiology

Pharmacology

Physics

Psychology

## B) Clinical Sciences:

Cardiopulmonary diseases

General medical and surgical specialties

Pathology

Pediatrics and perinatology

## C) Respiratory Care Content Areas:

Airway management

Assessment of patients' cardiopulmonary status

Cardiopulmonary diagnostics and interpretation

Cardiopulmonary monitoring and interpretation

Cardiopulmonary rehabilitation and home care

Cardiopulmonary resuscitation

Chest physiotherapy

Ethics of respiratory care and medical care

Gas therapy

General patient care

## Humidity therapy

Hyperinflation therapy

Mechanical ventilation management

Oxygen therapy

Pediatrics and perinatology

- b) Individuals applying for licensure who are deficient in any of the content areas set forth in subsection (a)(1) through (a)(5) shall complete any deficiency program approved by the Department of Professional Regulation. The applicant will be required to submit proof to the Department that he or she has passed such a course(s). Proof shall include, but not be limited to, transcript, curriculum, program materials and course materials.

- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work is questioned by the Department or the Board, the applicant will be required to provide such information as may be necessary and/or appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- d) In determining whether a program should be approved, the Department, upon recommendation of the Board, shall take into consideration, but not be bound by, accreditation or approval by the Joint Board of the Committee for Respiratory Therapist Education, or its successor organization, or accreditation by the American Medical Association Committee on Allied Health Education and Accreditation (CAHAEA), or its successor, the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

- e) The Department, upon recommendation of the Board, has determined that all respiratory therapy programs accredited or approved by the Joint Review Committee for Respiratory Therapy Education, or its successor organization, or accredited by CAHAEA, or its successor CAAHEP, meet the minimum criteria set forth in this Section and are, therefore, approved.

## Section 1456.30 Application for Licensure on the Basis of Examination

- a) An applicant for a respiratory care practitioner license shall apply on forms approved by the Department. The application shall include:

- 1) certification of successful completion of an approved respiratory therapy program as set forth in Section 1456-20(e) of this Part.
- 2) Proof of passage of the Entry Level Certified Respiratory Therapist (CART) Examination or the Registered Respiratory Therapist (RRT) Examination of the National Board for Clinical Simulation Examination of the National Board for Respiratory Care submitted directly from the testing entity.
- 3) A complete work history.
- 4) The required fee specified in Section 75(a) of the Act.

- b) In lieu of the documents required in subsections (a)(1) and (2) above, an applicant may submit certification as a Certified Respiratory

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

Therapy Technician or as a Registered Respiratory Therapist from the National Board for Respiratory Care.

- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - 2) A description of the examination in that jurisdiction; and
  - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

#### Section 1456.40 Application for Licensure for Graduates from a Nonapproved Program

- a) An applicant for a respiratory care practitioner license from a nonapproved program shall apply on forms approved by the Department. The application shall include:

- 1) Transcripts and verification of successful completion of a respiratory therapy program which shall meet the requirements set forth in Section 1456.20 of this Part. The applicant shall be responsible for submitting the program materials for evaluation. If the documentation is insufficient to evaluate the program, the applicant will be requested to submit additional materials;
- 2) A complete work history; and
- 3) The required fee specified in Section 75(a) of the Act.

- b) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- c) Upon approval of the applicant's program by the Department, the applicant may sit for the examination set forth in Section 1456.50 of this Part.
- d) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

#### Section 1456.50 Examination

- a) The examination for licensed respiratory care practitioners shall be the Entry Level Certified Respiratory Therapy Technician (CERTT) of the National Board for Respiratory Care.
- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service. The examination shall not constitute application to the Department for licensure.
- c) Application to the testing services for purposes of the examination shall not constitute application to the Department for licensure.
- d) In lieu of the Entry Level Certified Respiratory Therapy Technician (CERTT) Examination of the National Board for Respiratory Care, the Department will accept the Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care.

#### Section 1456.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another State or territory of the United States who wishes to be licensed in Illinois as a respiratory care practitioner shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Verification of meeting education requirements as set forth in Section 1456.20 of this Part;
- 2) Proof of passage of the Entry Level Certified Respiratory Therapy Technician (CERTT) Examination or Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing reporting service;
- 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that State, whether the file on the applicant contains any disciplinary actions taken or pending, and

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

the applicant's license number;

- 4) Complete work history; and
  - 5) The required fee specified in Section 75(a) of the Act.
- b) In lieu of the documents required in subsections (a)(1) and (2) above, an applicant may submit certification from the National Board for Respiratory Care.
- c) The Department shall examine each endorsement application to determine whether the applicant meets the requirements for the license and the date of licensing were substantially equivalent to the requirements and examination of the Act or the applicant possesses individual qualifications which were substantially equivalent to the requirements of the Act.
- d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

## Section 1456.70 Renewals

- a) The first renewal period for licensure under the Act shall be April 30, 1999. Thereafter, every license issued under the Act shall expire on April 30 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required renewal fee. Beginning January 1, 2001, the holder of a license who renews thereafter, the renewal applicant will be required to complete 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 95 of the Act.

## Section 1456.80 Inactive Status

- a) Licensed respiratory care practitioners who notify the Department, on or before the expiration date of their license, that they intend to practice inactive status shall be considered practicing inactive status until they notify the Department in writing of the intention to resume active practice.
- b) Any licensed respiratory care practitioner seeking restoration from inactive status shall do so in accordance with Section 1456.90 of this Part.
- c) Any respiratory care practitioner whose license is on inactive status shall not use the title "licensed respiratory care practitioner" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

## Section 1456.90 Restoration

- a) Any respiratory care practitioner whose license has expired or has been placed on inactive status for 5 years or more shall be required to complete the continuing education requirements of Section 75(e) of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 75(f) of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part. The applicant also shall submit either:
  - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate Board or licensing authority in the other jurisdiction that the licensee has been licensed to practice in that jurisdiction;
  - 2) An affidavit attesting to military service as provided in Section 65(d) of the Act; or
  - 3) Proof of passage of a respiratory care examination set forth in Section 1456.90 of this Part during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

## Section 1456.100 Unprofessional Conduct

- a) Pursuant to Section 95 of the Act, unprofessional conduct in the practice of respiratory care shall include but not be limited to:
  - 1) Procuring, attempting to procure or renewing a license as provided by this Part by bribery, by fraudulent misrepresentation or through an error of the Board or the Department;
  - 2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or Federal law, or willfully impeding or obstructing such filing or inducing

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner licensed pursuant to this Part;

- 3) Circulating untruthful, fraudulent, deceptive or misleading advertising;
- 4) Engaging or attempting to engage in the possession, sale or distribution of controlled substances for any purpose other than a legitimate purpose;
- 5) Willfully failing to report any violation of this Part;
- 6) Willfully or repeatedly violating a lawful order of the Board or the Department previously entered in a disciplinary hearing;
- 7) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, he/she is not competent to perform;
- 8) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or skill to perform them;
- 9) Gross or repeated negligence or the failure to deliver respiratory care services with the use of care, skill and judgment which is recognized by a reasonably prudent respiratory care practitioner with similar professional training as being acceptable under similar conditions and circumstances;
- 10) Paying or receiving any commission, bonus, kickback or rebate, to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The provisions of this subsection shall not be construed to prevent the licensee from receiving a fee for palliative care consultation services;
- 11) Falsifying or falsifying in the medical records actions taken by the licensee and justifying them for those actions; and
- 12) Performing professional services which have not been duly ordered.

b) The Department hereby incorporates by reference the "Statement of Ethics and Professional Conduct" of the American Association for Respiratory Care, 1720 Regal Row, Dallas, Texas 75235, with no later amendments or editions.

## Section 1456.110 Continuing Education

a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

the 24 months preceding April 30 in the year of the renewal.

- 2) A CE hour equals 30 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) A licensee who is a school instructor, speaker or discussion leader of a CE program will be awarded course credit for actual presentation time, plus actual preparation time, to a total of 2 hours for each hour of presentation. Preparation time shall be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
- 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- 7) A renewal applicant shall receive 6 continuing education hours for renewal of license as a Licensed Respiratory Care Practitioner, Clinical Simulation or any other NBCRC examination at the entry level. CE credit will not be granted for examinations taken more than once.

b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below.
- 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois. Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

- 1) Approved sponsor, as used in this Section, shall mean:
  - A) Affiliated American Association for Respiratory Care or its affiliates;
  - B) The Illinois Society for Respiratory Care or its affiliates;
  - C) American Medical Association or the Illinois State Medical Society or its affiliates;
  - D) American Hospital Association or Illinois Hospital Association or its affiliates;
  - E) Illinois Nurses Association or the American Nursing Association or its affiliates;
  - F) American Lung Association or its affiliates; or
  - G) Any other person, firm, association, corporation, or group

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.

- 2) Entities seeking a license as a CE sponsor shall file a sponsor application, along with the required fee of \$500. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;

- B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8) below; and

- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the applicant requests to submit the program for review prior to full compliance with the statute and this Part and that this information is necessary to ensure compliance.

- 3) Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.

- 4) Each sponsor shall submit by April 30 of each odd numbered year a sponsor application along with the a \$250 renewal fee. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the pre renewal period, which includes a description, location, date and time the course was offered.

- 5) Each CE program shall provide a mechanism for written evaluation of the program and the instructor by the participants. Such evaluation shall be required every two years and shall be made available to the Department upon written request.

- 6) All courses and programs shall:

- A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory care;
- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
- C) Be developed and presented by persons with education and/or

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

experience in the subject matter of the program.

7) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for license renewal.

- 8) Certification of attendance renewal.
- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

- i) The name and address of the sponsor;
- ii) The name and address of the participant and his/her respiratory care practitioner license number;
- iii) A detailed statement of the subject matter;
- iv) The number of hours actually attended in each topic;
- v) The date of the program;
- vi) Signature of the sponsor.

B) The sponsor shall maintain these records for not less than 5 years.

- 9) The sponsor shall be responsible for assuring verified continued attendance at each CE program. No renewal applicant shall receive credit for time not actually spent attending the program.

- 10) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.

- d) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with the required fee prior to taking the Program of Continuing Education prior to the renewal date. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

- e) Certification of Compliance with CE Requirements

- 1) Full compliance with CE requirements set forth in subsection (a)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Code, 605 ILCS 100/10-65).

F) Waiver of CE Requirements (605 ILCS 100/10-65).

- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fees as set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal period because of:
  - A) Full-time service in the armed forces of the United States
  - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
    - i) An incapacitating illness documented by a currently licensed physician,
    - ii) A physical inability to travel to the sites of approved programs, or
    - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

Section 1456.120 Granting Variances

- a) The Director may grant variances from this Part in individual cases

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

where he or she finds that:

- 1) The provisions of the statute from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted is not in the particular case, be unreasonable or unnecessarily burdensome in the enforcement of the statute.
- b) The Director shall notify the Board of the granting of the variance, and the reasons therefor, at the next meeting of the Board.



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Headings of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers: Adopted Action:  
3040.150 Amendment  
3040.160 Amendment  
3040.300 Amendment  
3040.320 Amendment  
3040.330 Amendment
- 4) Statutory Authority: Implementing and authorized by the State Library Act (15 ILCS 320) and the Illinois Literacy Act (15 ILCS 322)
- 5) Effective Date of Amendments: August 11, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? Yes
- 8) Date Filed in Agency Principal Office: August 11, 1997
- 9) Notice(s) of Proposal published in Illinois Register: April 11, 1997; 21 Ill. Reg. 4431
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences(s) between proposal and final version: Minor punctuation and wording changes were made at the request of the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: The rules enable not-for-profit organizations with relevant experience to become involved with family literacy projects. Audit requirements are clarified in response to the change in the ending date of the State lapse period. The rules revision also addresses P.A. 89-697 which includes legislation covering family literacy grants.
- 16) Information and questions regarding this adopted amendment shall be directed to:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Kathleen Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield, IL 62701-1796  
217/785-4052  
217/782-8261 fax  
kbloom@library.sos.state.il.us

The full text of the Adopted Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE B: CULTURAL RESOURCES

## CHAPTER 1: SECRETARY OF STATE

## PART 3040

## LITERACY GRANT PROGRAM

## SUBPART A: LITERACY PROVIDER PROGRAM

## Section

3040.110

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## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11769, effective

## Section 3040.150 Cancellation of Grant

a) A grant shall be cancelled if:

- 1) Financial, statistical, and narrative reports are not submitted as required by Section 3040.140(e)(1); or
- 2) The grant program fails to operate properly and effectively.

6) The grant program fails to operate properly and effectively.

3040.140(f) is amended by adding the following: "The grant program has a grant under which it is operating in the current fiscal year. Grant program shall receive one thirty-day notice requesting compliance with this Section before the grant shall be cancelled."

2) An audit or the interim financial reports show financial irregularities, such as misappropriation or embezzlements of funds by the grant program operator and/or its employees and staff.

3) The grant program fails to meet its stated goals.

4) The grant program managers are convicted of any felony or misdemeanor.

5) The grant program fails to operate properly and effectively.

6) The grant program fails to operate properly and effectively.

3040.140(f) is amended by adding the following: "The grant program has a grant under which it is operating in the current fiscal year. Grant program shall receive one thirty-day notice requesting compliance with this Section before the grant shall be cancelled."

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4) The grant program managers are convicted of any felony or misdemeanor.

5) The grant program fails to operate properly and effectively.

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3) The grant program fails to meet its stated goals.

4) The grant program managers are convicted of any felony or misdemeanor.

5) The grant program fails to operate properly and effectively.

6) The grant program fails to operate properly and effectively.

## Section 3040.160 Audit Procedures

a) On or before September 1 of each year, the literacy grant recipient must conduct the program and its expenditure of the grant funds. Grant funds shall be accounted for using the modified accrual accounting method. The State shall allow the grant recipient to budgets of grant recipients to pay for audit costs. The literacy grant recipient shall select an independent certified public accountant to perform the audit in accordance with the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities and Functions (Yellow Book), 1994

(Source: Amended at 21 Ill. Reg. 11769, effective

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AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 321].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1995, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1996; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084,

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62701. The results of this audit must be submitted to the State Library, Office of the Secretary of State, by September 1 of each year. Failure to submit the audit by the September 1 deadline shall result in immediate forfeiture to the Secretary of State of 10% of the grant award. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing grants. The State Library shall withhold 10% of the grant funds until receipt and approval of the final program and financial report. ~~audit requirements with be~~

~~a) A grantee who does not comply with the audit requirements with be~~  
~~b) The provisions of this Section will not be applicable to entities~~  
~~c) That fall under the audit authority of the Auditor General of~~

~~c) Entities electing to fulfill their audit requirements by submitting a "single audit" of their entity in accordance with the Single Audit Act of 1984 (31 U.S.C.A. Section 7501 et seq.) may do so. However, a schedule of revenues and expenditures for the grant, showing budget and actual amounts, must be included as a supplementary schedule to the audit report. Those entities electing to submit a "single audit" will not be subject to the September 1 deadline indicated in subsection (a) above. Single audits must be submitted within 30 days after release of the single audit report.~~

(Source: Amended at 21 Ill. Reg. 11717, effective 11/71)

## Section 3040.300 Purpose

The family literacy program is part of the Literacy Grant Program established by the State Library Act (15 ILCS 3201). Family literacy funds made available by the State Librarian from State or Federal sources will be used to involve public or school libraries, adult literacy programs, and children at risk programs, and/or other not for profit organizations with educational experience in breaking the intergenerational cycle of illiteracy.

(Source: Amended at 21 Ill. Reg. 11717, effective 11/71)

## Section 3040.320 Eligible Applicants

Only applications that will provide involvement of an Illinois public library, an Illinois agency serving children at risk, and an Illinois agency with an adult literacy program, and/or other not for profit organizations with

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

educational experience in breaking the intergenerational cycle of illiteracy shall be eligible for this grant program. The public library must be a member of an Illinois library system. The agency submitting the grant application and administering the use of the grant funds may be any one of the three agencies:

(Source: Amended at 21 Ill. Reg. 11717, effective 11/71)

## Section 3040.330 Grant Applications

a) Application requirements, including criteria, will be made available by the Illinois State Library by January 15 for the ensuing year. The maximum grant amount, if any, shall be specified in the requirements. The Illinois State Library Advisory Committee shall provide assistance in developing the criteria for the grants. Applications shall be submitted to the Illinois State Library on or before March 15 for the ensuing year. Applications not submitted on time or on the required forms shall not be considered for funding.

b) Grant criteria may include but are not limited to the following:

- 1) Documented concentration of families with children at risk in the project area.
- 2) Involvement of a paid staff person to coordinate all aspects of the program.

2) A focus on reciprocal learning activities involving parents and children together.

3) The use of volunteers in the program.

4) The use of technology in delivery of reciprocal activities.

5) Evidence of local community support for the project.

c) Applications shall include the following information, at a minimum:

- 1) The name and address of the applicant.
- 2) The name and telephone number of the applicant's director or executive officer.

3) The name, address, telephone number, and signature of the applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.

4) The beginning and ending dates of the family literacy program.

5) The total amount of grant money requested for the family literacy program.

6) A brief and explicit description of the program's goals and objectives and how the goals and objectives address the grant criteria included in the requirements.

7) A statement of the statistics detailing the need for the literacy program in the particular community or geographic region of the grant applicant.

8) A statement of the methods to be used by the grant applicant to meet stated goals and objectives.

9) A statement of the applicant's plans to coordinate its efforts with other agencies cited in Section 3040.320 of this Part. The

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

specific names of the other agencies to be involved in the program shall be cited along with a statement or letter from the agencies stating their responsibility to the program.

- 10) A statement detailing plans to evaluate the program's objectives and accomplishments.
- 11) A statement on how the program will be continued without further grant assistance.
- 12) The budget for the literacy program, including revenue sources, expenditures by category (personnel, fringe benefits, equipment purchases, supplies, contractual services, and other), and local financial and in-kind support for the project.
- d) Applications shall be reviewed by the State Library Literacy Office staff in accordance with the criteria and requirements set forth in the application packet. When appropriate, the Director of the State Library Literacy Office may appoint a committee to assist in reviewing applications; such committee shall include membership from those types of agencies that are eligible to apply for the funds as defined in Section 3040.320 of this Part. The decision of the State Librarian is final.
- e) The number of grants to be awarded is at the discretion of the State Librarian, within the confines of available funding.

(Source: Amended Public Act 89-697, effective January 1, 1997, at 21 Ill. Reg. 4438.)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section numbers:  
3030.90      Adopted Action:  
3030.105      Amendment  
3030.106      New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10/1]
- 5) Effective Date of Amendments: August 11, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? Yes
- 8) Date Filed in Agency Principal Office: August 11, 1997
- 9) Notice(s) of Proposal published in Illinois Register: April 11, 1997; 21 Ill. Reg. 4438
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: Minor punctuation and wording changes were made at the request of the Joint Committee on Administrative Rules. In addition, Sections 3030.105 (l) and 3030.106 were revised to address grant evaluation and award criteria in more detail. Section 4040.105 (k)(1) was revised to clarify the deadline for library system approval of school library membership.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The amendments clarify how and when the official population served by a public library is verified for public library per capita and equalization aid grants. P.A. 89-697, signed by the Governor on January 1997, specifies grants for library technology and Illinois Veterans' Home libraries, so the amendments specify the criteria for awarding the grants. Clarification is added to the criteria for the Educate a Automate, school library and Veterans' Homes grant programs.
- 16) Information and questions regarding this adopted amendment shall be

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

## directed to:

Kathleen Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield, IL 62701-1796  
217/785-0052  
217/782-8261  
kbloomber@library.sos.state.il.us

The full text of the Adopted Amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

## PART 3030

## THE ILLINOIS LIBRARY SYSTEM ACT

Section	Definitions
3030.10	Forms
3030.15	Administration of the Act: Hearings
3030.20	Establishment of Systems
3030.25	Contracting Libraries
3030.30	Membership in a Library System
3030.35	Contracting Libraries
3030.40	Accessing Resources and Services (Repealed)
3030.45	Service Standards
3030.50	Service to State Institutions (Repealed)
3030.55	Services to the Physically Disabled (Repealed)
3030.60	Plan of Service for a Cooperative or Multitype Library System
3030.65	Plan of Service for a Public Library System (Repealed)
3030.70	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.75	Liquidation
3030.80	Merger
3030.85	Finances and Records
3030.90	Governing Board
3030.95	State Grants
3030.100	State Grants
3030.105	Educate & Automate Automation/Technology Grants
3030.110	Revocation of Approval
3030.115	Suspension of a Library from Membership
3030.120	Adjustment of the Geographic Boundaries of Library Systems
3030.121	Administrative Review of State Librarian's Decision in Contested Cases
3030.122	Notice of Hearing
3030.123	Conduct of Hearing
3030.124	Motions
3030.125	Order of the Hearing
3030.126	Authority of Administrative Law Judge
3030.127	Record of the Hearing
3030.128	Rules of Evidence; Official Notice
3030.129	Decisions and Orders
3030.130	Annual System Reports
3030.135	Withdrawal of Membership

AUTHORITY: Implementing and authorized by the Illinois Library System Act (75 ILCS 101).





## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- c) Application for Annual Grants for special library services to the blind and physically handicapped to no more than six systems providing Administrative and Support Services to libraries and Radio-Information Services-Serving Physically Disabled Individuals shall be made to the State Librarian on or before March 15 of each year and shall consist of a budget and a description of services to be offered. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year. The State Librarian shall be notified in advance of any proposed change in the State budget.
- d) To be eligible for a per capita grant, a public library shall show that it either made the progress toward meeting the Illinois Library Standards as most recently adopted by the Illinois Library Association, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8.1(1) of the Act)
- e) Application for annual equalization grants and per capita grants to public libraries shall be made on or before July 15 of each year. (Section 8 of the Act) The application deadline may be extended at the discretion of the State Librarian for public libraries subjected to Acts of God or natural disasters including but not limited to flooding for libraries located in counties which have been declared disaster areas and/or declared disaster areas. Those affected libraries may request an extension by writing to the State Librarian setting forth the basis for said extension request by August 15 of the same calendar year. The State Librarian shall grant the extensions for affected libraries, but in no event shall the deadline be extended beyond September 1. The State Librarian shall verify the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts thereof, prepared and submitted to the Index Division by the Federal government, and certified by the Secretary of State no later than July 15, the filing deadline for grant applications. The applicant library shall submit supporting documentation with the grant application whenever there are any changes to be reported in the population service area.
- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The applicant shall show that grant funds will be used in the manner specified in meeting Illinois Library Standards as stated in subsection (d) above. Any application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- g) Libraries that qualify for the ILLINOIS MAJOR URBAN LIBRARY PROGRAM shall submit an application to the State Librarian, subject to his final approval, for use of the funds by July 15 of each year. The application shall consist of the public library per capita grant application cited in Section 3030.105(e) of this Act, and shall include Research and reference center funding shall be allocated by the State Librarian for the purposes of grants available adequate library resources and services to be awarded for improving services of large libraries with special collections which benefit citizens throughout the state. Grants will be awarded at the discretion of the State Librarian each fiscal year as funding allows.
- h) The Research and Reference contracts will specify by inclusion:
- 1) The terms for appointment of the grant funding, and
  - 2) Services to be performed.
- i) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed which specifies the objectives and budget for the service.
- k) School District Library Grant Program
- 1) To be eligible for a School Library Grant, the applicant must be a member of a public school district and a member in good standing of a regional multitype library system or have made application for system membership prior to the November 30 grant deadline and be approved for membership prior to the following January 31. The library system may be granted an extension until January 31, if requested in writing on or before January 15, to notify the Illinois State Library about the status of the application for library system membership.
  - 2) Application for School Library Grants shall be made on or before November 30 of each year. Applications shall be received by the State Library staff and are subject to review and approval by the State Librarian. The application deadline may be extended at the discretion of the State Librarian for school districts subjected to Acts of God or natural disasters, including but not limited to flooding for school districts located in counties which have been declared disaster areas and/or federal disaster areas. Those affected districts may request the extension by writing to the State Librarian setting forth the basis for the extension request by December 31. The State Librarian shall grant the extensions for affected school districts, but in no event shall the deadline be extended beyond January 15.
  - 3) The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library. Any

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.4 of the Act shall result in ineligibility for future grants for a period of one year.

- 2) Pursuant to Section 8.4 of the Illinois Library System Act (111 ILCS 10/8.4), the State Librarian shall have prior approval of the State Librarian. Failure to spend funds in accordance with Section 8.4 of the Act shall result in ineligibility for future grants for a period of one year.
- 3) The application for annual grants shall be made between October 1 and prior to December 1 of each year. Meeting in 1998 it shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:

A) A description and verification of the school board's review as effected in the minutes of a school board meeting of the school library standards as provided for in 75-1168 10/8.4(4);

B) A report on the use of the previous year's grant if a grant was received, which shall show how said grant was used, and an evaluation detailing the effect of the program in overall district-wide school library media program improvements and standards towards or compliance with school library media standards.

C) A statement on the proposed use of the grant for which application is being made which shall show the grant funds will be used to further the purposes in the Act and the grant may not be used for construction of a new library.

D) The following specific information:

- i) The official name and complete address of the school district;
- ii) The name of the library system of which the district is a member or to which it has applied for membership;
- iii) The name or names and type of attendance unit in which the library or libraries are located;
- iv) The number of students served by the library or libraries;
- v) The name of the librarian;
- vi) The number of hours per week the library is open;
- vii) The number of hours per week the librarian is in attendance at the library as the librarian and percentage such hours are of the librarian's total hours worked;
- viii) The dates of the library's fiscal year; the Illinois legislative district(s) in the library's taxing area; and
- ix) The library's Federal Employers Identification Number (FEIN).

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

B) A statement from the superintendent certifying that the financial support for the library meets the requirements as stated in the Act.

F) Evidence that the fiscal year's grant funds, if received, were enumerated prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal year ended.

G) Certification by the director of the library system that the school district is a member of the library system; if the school district is not a member of the library system, the system shall provide a statement that the district has the system for system membership and

H) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will establish a list of schools in the State that are eligible for the grant. Section 8.4(4) of the Illinois Library System Act (111 ILCS 10/8.4) of the Illinois Library System Act, it will be approved for funding within 90 days after submission of the application. If the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and the application was completed fully and with accurate information.

## 1) Library Grants for Veterans' Homes

1) Pursuant to Section 8.6 of the Illinois Library System Act (111 ILCS 10/8.6), there is established by this subsection (1) the application procedures for Veterans' Home library grants.

2) The application for annual grants to State-funded Veterans' Homes shall be made according to a deadline established by the State Librarian. The application shall be signed by the administrator and librarian or person responsible for library services at the Veterans' Home.

3) The applications will be evaluated by Illinois State Library staff, and final funding decisions will be made by the State Librarian.

4) Applications will be funded according to amount of funding available demonstrated need, and number of residents being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.

5) In order for an application to be considered, the Veterans' Home must be providing library services to its residents at the time of application.

6) Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants for a period of one year.

7) The application shall consist of:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- A) A statement on the proposed use of the grant for which the application is being made which shall show how grant funds will be used to expand library services to residents of the Veterans' Home. Grant funds are eligible to be used for library staff, materials, equipment, and library services.
- B) A report on the use of the previous year's grant, if a grant was received, which shall show how the grant was used; and an evaluation detailing the impact of the program.
- C) A certification stating that:
- The grant funds will be kept in a separate account;
  - Local funding for library service will not diminish as a result of the program;
  - The library will submit semi-annual financial and biographic reports to the Illinois State Library on January 31 and July 31 of each year covering the use of the funds.

(Source: Amended at 21 Ill. Reg. 11783, effective 1-1-77)

## 3030.106 Educate &amp; Automate Automation/Technology Grants

- a) Competitive grants
- Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made according to an annual deadline and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the State Library.
  - Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final. Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.
  - The number of grants to be awarded is at the discretion of the State Librarian.
  - Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).
- c) Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:
- Telecommunications costs for electronic networks for library libraries and library systems.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- Computer hardware and software for ILLINET libraries and library systems;
- Access to electronic information by the general public through ILLINET libraries;
- Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.

(Source: Added at 21 Ill. Reg. 11784, effective 1-1-77)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3) Section Numbers: Emergency Action:  
New Section

4) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act (225 ILCS 110)

5) Effective Date of Rules: August 7, 1997

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.

7) Date Filed in Agency's Principal Office: August 7, 1997

8) Reason for Emergency: Public Act 90-59, effective July 8, 1997, includes the reauthorization of the Illinois Speech-Language Pathology and Audiology Practice Act. Among its changes is the elimination of the statutory fee Section, replacing it with fees set by administrative rule. This emergency rule is nearly identical to the previous statutory Section. Permanent rules are pending, but will not take effect prior to the elimination of the statutory fee provisions.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes fees for licensure under the Illinois Speech-Language Pathology and Audiology Practice Act; the statutory fees were removed during reauthorization of the Act.

10) Are there any Proposed Rules to this Part pending: No

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government

12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax #: 217/782-7645

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Emergency Amendments begins on the next page.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1465

## THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section	
1465.10	Application for Licensure Under Section 7 of the Act (Repealed)
1465.20	Approved Programs
1465.30	Professional Experience
1465.35	Supervision
1465.36	Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40	Application for Licensure
1465.50	Examination
1465.60	Endorsement
1465.70	Renewal
1465.75	<del>Fee</del>
1465.80	<del>Restoration</del>
1465.90	Granting Variances

**AUTHORITY:** Implementing the Illinois Speech-Language Pathology and Audiology Practice Act (225 ILCS 110) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

**SOURCE:** Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amended at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days.

## Section 1400.75 Fees

~~Emergency~~

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees:
  - 1) The fee for application for initial license by examination is \$90. In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of designation and applicant's eligibility and providing the examination materials to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENTS

- of the examination fee.
- 2) The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is \$100.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license for the issuance of a license which has been lost, destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee for rescored an examination shall be the cost to the Department of rescored the examination, plus any fees charged by the applicable testing service to have the examination rescored.
  - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
  - 6) The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing such a roster.
- (Source: Added by emergency amendment at 21 Ill. Reg. 11705, effective August 7, 1997, for a maximum of 150 days)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENT(S)

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:  
125.270 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule, or Statute which requires this Peremptory Amendment: The Meat and Poultry Inspection Act [225 ILCS 950] the Federal Meat Inspection Act (21 U.S.C.A. 601) and 62 FR 27940.
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650/161.
- 6) Effective Date: August 8, 1997
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat inspection program as required by the Federal Meat Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat inspection are hereby adopted. The Food Safety and Inspection Service (FSIS) is amending the federal meat inspection regulations and will permit the use of liquid nitrogen for the contact freezing of meat and meat products. This federal regulation being amended is 9 CFR 318.6(c)(4). The federal regulation was amended for the first time on May 22, 1997 Federal Register on page 27940.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: August 8, 1997
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:  
Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds  
P.O. Box 19281  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENT(S)

Facsimile: 217/785-4505

The full text of the Peremptory amendment begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

## PART 125

## MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection; Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Retention; Seizure; Condemnation
125.141	Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products

## SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Repacking or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking of Meat and Meat Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition







## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING  
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE  
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

Pursuant to statutory requirement, the Illinois Department of Financial Institutions is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in certain other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact the Department for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

## UNCLAIMED PROPERTY DIVISION

## DEPARTMENT OF FINANCIAL INSTITUTIONS

P.O. Box 19495

Springfield, IL 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act (765 ILCS 1025/12).

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

AARP PRUDENTIAL	PO BOX 13999 PHILADELPHIA	PA	19187-0000
ABRAHAM, ROGER D	1648 CHARTIN CIRCLE PHILADELPHIA	PA	19118-0000
ACKNA	SUITE 900 1355 S COLORADO BLVD DENVER	CO	80222-0000
AETNA	PO BOX 800 ENFIELD	CT	06082-0000
AETNA	115 C ELM STREET PO BOX 800 ENFIELD	CT	06083-0000
AETNA	3541 WINCHESTER RD ALBANY	PA	18195-0501
AETNA HEALTH	PO BOX 9000 CORAOPOLIS	PA	15108-0000
ALAMEDA COUNTY OF	4400 B MACARTHUR BLVD DALLAS	TX	75266-0000
ALDRICH, DIANE	SUITE 4 1005 LOCUST DUBUQUE	IA	52001-0000
ALICEA, ELVIN	1005 GRAND AVE NORTH BERGEN	NJ	07047-0000
ALLEN, JACQUELINE	PO BOX 357 PELL CITY	AL	35125-0000
ALLIED SERVICES	50 NWE ROAD GLASTONBURY	CT	06033-0000
ALLSTATE SEARS EMPLOYEE	PO BOX 105181 ATLANTA	GA	30348-0000
ALPACA INTERNATIONAL INC	NO 130 AN HO RD TAI PING HSIANG TAIPEI, TAIWAN	FA	00000-0000
ALSCHULER, ROSEMARY H.	12805 GATEPOST COURT HERNDON	VA	22071-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

AMER COLL OF PHYSICIANS	6TH STREET AT RACE PHILADELPHIA	PA	19106-0000	BAILEY, FELISA	5400 MEMORIAL DRIVE ATLANTA	GA	30083-9000
AMER HEALTH CONSULTANTS	PO BOX 740059 ATLANTA	GA	30374-0000	BALGER, BRAIN	34 OAKLAWN ROAD CHURCHTOWN DUBLIN, IRELAND	PA	00000-0000
AMER SOC OF MECH ENGINEERS	22 LAW DRIVE PO BOX 2900 FAIRFIELD	NJ	07007-2900	BATES, GORDON	BOX 21 R R 2 OSAGE	IA	50461-0000
AMERICAN HOSPITAL OF PARIS	PO BOX 10300	PA	50000-0000	BAYON ROUGE GENERAL HOSPITAL	3600 FLORIDA STREET BAYON ROUGE	LA	70806-0000
AMERICAN PACIFIC INS & FINANCIAL SERV	TAMUNING, GUAM	PA	96931-0000	BCBS CONNECTICUT	PO BOX 504 NORTH HAVEN	CT	06473-0000
ANDERSON, BUZZ	PO BOX 777 WATERLOO	IA	50704-0000	BEACHAM, WILLIAM	116 BROOKSIDE CR GREENVILLE	SC	29609-0000
ANDERSON, RUTH A.	SUITE 145 1275 BENNETT DRIVE LONGWOOD	FL	32750-0000	BEAUFORT CITY MEMORIAL HOSPITAL	PO BOX 1068 BEAUFORT	SC	29902-0000
ANNUALS OF INTERNAL MED	PO BOX 7777 R 0320 PHILADELPHIA	PA	19175-0000	BEGAY, VERN K	PO BOX 1631 CHINLE	AZ	86503-0000
ANUTECH PTV LTD	GPO BOX 4 CANBERRA 02601 AUSTRALIA	PA	00000-0000	BELIZE CITY HOSPITAL			00000-0000
APATIRA, TADDEEO A.	37 EGERTON LN LAGOS, NIGERIA	PA	00000-0000	BERRY, GRACE	205 S ENID RUSSELLVILLE	AR	72801-0000
ARCHIE, LEORA	ROUTE 2 BOX 279 BRADENTON	FL	33508-0000	BILL KELLEY CHEVROLET INC	601 N FEDERAL HWY HALLANDALE	FL	33009-0000
ARIES SCIENTIFIC INC	PO BOX 744065 DALLAS	TX	75374-0000	BLACKWELL, ROBERT	240 KING STREET YELLOW SPRINGS	OH	45387-0000
AT&T	PO BOX 371956M PITTSBURGH	PA	15250-0000	BLAZE INDUSTRIAL TIRE	2204 HINTON PO BOX 610108 IRVING	TX	75061-0000
AT&T BELL LABS	PO BOX 800 SHORT HILLS	NJ	07078-0000	BLUE CROSS OF WESTERN PA	ONE SOUTFIELD PITTSBURGH	PA	15222-0000
AUSTRALIA RINGER		PA	00000-0000	BNA BOOKS	PO BOX 7814 EDISON	NJ	08818-7814
BABANI, DOULAT O	30 ALBERT ST BELIZE CITY, BELIZE	PA	00000-0000	BOARD OF TRADE	1 FIRST CANADIAN PL TORONTO MEXIC ON	PL	

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## NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF FINANCIAL INSTITUTIONS  
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BOLDUC, PAUL	CANADA	FA	00000-0000
LAMBTON CP73 CPE MONTM CALIF QUEBEC, CANADA			
BOUTTE, DOROTHY C	2816 MATHEWS ST BERKELEY	CA	94702-0000
BRENNANBEGAN, JEAN	469 SADDLE RIVER RD UPPER SADDLERIVER	NJ	07458-0000
BRIDGESTONE FIRESTONE INC	PO BOX 140999 NASHVILLE	TN	37214-0000
BRINO, SANDRA	53 SUN VALLEY RD SOUTHINGTON	CT	06489-0000
BRISTOL FLATS DISTRIB INC	603 E FIRST CLE ELLUM	WA	98922-0000
BROOKS, DONALD C	PO BOX 10025 OP II AL JUBAIL AL	FA	00000-0000
BROWN, BARBARA A	1721 N MANSARD BLVD GRIFFITH	IN	46323-0000
BROWN, MARK T	1721 N MANSARD BLVD GRIFFITH	IN	46323-0000
BROWN, PHYLLIS	1721 N MANSARD BLVD GRIFFITH	IN	46323-0000
BUEHLER, WALTER E	2589 SCHWEMMANN DRIVE MARRERO	LA	70072-0000
BUFETE REIBIO VILLEGAS Y ASSOC	RIO DUERTO 31 MEXICO	FA	00000-0000
BUSHER, MORITZ T	PO BOX 621321 AMMAN, JORDAN	FA	00000-0000
BUSINESS CONTROLS	2260 AB LEIDSCHEIDAM NETHERLANDS	FA	00000-0000
BYRD, ERNEST	57 3RD AVE S BIRMINGHAM	AL	35205-0000

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 NOTICE OF PUBLIC INFORMATION

CALIFORNIA MED ASSN	CA	00000-0000	
CAMPUS NERLANDIS	61 BLVD JOURDAN 75690 PARIS CEDEX 14 FRANCE	FA	00000-0000
CANON MCKILLAN SCHOOL DISTRICT 1 NORTH JEFFERSON	CANONSBURG	PA	15317-0000
CANDOLZ & LINDO	APARTDO 6 2397 PANAMA CITY PANAMA	FA	00000-0000
CARROLL, ROBERT	190 SPANKENHILL RD POUGHKEEPSIE	NY	12603-0000
CASTRO, AMY S	12 JARDIN ST GUATNABO 00657 PUERTO RICO	FA	00000-0000
CASTRO, RICHARD	5350 E TROPICANA LAS VEGAS	NV	89122-0000
CHAMPTON LIGHT ELECTRIC	21 22 BLOC 3RD INDUSTRIAL PARK GUANG CHINA	FA	00000-0000
CHANCELLOR & MANN SUPPLY	1201 N RIPLEY ST MONTGOMERY	AL	36104-0000
CHANGAN YUNG WEN ELECTRONIC FA GUANG DONG	CHINA	FA	00000-0000
CHARLES, ROSEMARIE	5201 NECHES ST HOUSTON	TX	77026-0000
CHASTLEY ENTERPRISE CO LTD	550 CHUNG SHAN RD HSIN CHU TWO TAINA TAINAN	FA	00000-0000
CHEN DEE INDUSTRIAL CO LTD	746 DON CHEN ST TAINAN, TAINAN	FA	00000-0000
CHING, CLIFFORD	802 MAPUNAPUNA ROAD HONOLULU	HI	96819-0000
CHUN TAI ELECTRIC HEATER CO LTD	NO 49 ALLEY 7 LANE 100 TUN HWA TAIPE		

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CIGNA HEALTH PLAN	TAIWAN	FA	00000-0000
	PO BOX 49400		
	ATLANTA	GA	30359-0000
CIGNACOMM GENERAL	PO BOX 29000	GA	30359-0000
	ATLANTA		
CLINTON, PAULINE E	4336 SYCAMORE DR	OR	97603-0000
	KALAMATH FALLS		
CLINTON, SIEBERT	STATE PARK	IL	00000-0000
	1 APPLEBY COURT		
	SILVER SPRING	MD	20904-0000
COLEMAN, GRANETTA	3074 SOUTHFIELD	OH	43207-0000
	COLUMBUS		
COLEMAN, RIP	PO BOX 49	IL	00000-0000
	LINCOLN	AL	35096-0000
COLLEGE OF WILLIAM & MARY	1585 PAOLI PIKEC 2683	PA	19380-0000
	WESTCHESTER		
COLLINS, ANGIAL	1605 INDUSTRIAL HWY	NJ	08077-0000
	CINNAMONSON		
COLUMBIA UNIVERSITY	PO BOX 8012	CT	06062-0000
	PLAINVILLE		
COMBUSTION ENGINEERING	NINE FARM SPRINGS DRIVE	CT	06032-0000
	FARMINGTON		
CONN DEE MFG	PO BOX 29230	GA	30359-0000
	ATLANTA		
CONN GENERAL LIFE	PO BOX 8014	CT	06062-0000
	PLAINVILLE		
CONNECTICUT GENERAL	80 SPRING LANE	CT	06062-0000
	PLAINVILLE		
CONNECTICUT GENERAL	PO BOX 2987		

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## NOTICE OF PUBLIC INFORMATION

CONSECUTION, ARCE H	HARTFORD	CT	06104-0000
	RAMON CORONA 23		
	JALISCO, MEXICO	FA	00000-0000
COPENHAVER, ELLEN	1305 MEADOWCREEK CT	TX	00000-0000
	IRVING		
CORUM HERBERGEMENT	34027 MONTEPELLIER	FA	00000-0000
	CEDEX 1 PO BOX 220		
COST PLUS	10215 N 28TH DRIVE	AZ	85051-0000
	PHOENIX		
CONTINENTAL LOSS ADJ	ONE CONTINENTAL DR	NJ	08512-0000
	GRANBURY		
COUTU, LIONEL	185 3E AVE BASTIEN	FA	00000-0000
	CANADA		
CREES, M J	USS RANGER CV 61	FA	96633-0000
	APO SAN FRANCISCO		
CROWLEY, ALVIN E	3948 HALYARD WAY	SC	29577-0000
	MYRTLE BEACH		
CRUICKSHANK, LAINE E	4601 E SKYLINE DR	AZ	85718-0000
	TUCSON		
DANCA, CHERYL L	24 N 25TH STREET	FL	33444-0000
	DELRAY BEACH		
DAPKUS, JANE L	304 WARE RD	DE	19711-0000
	NEWARK		
DAVIS, ELLIOT	SUITE LB 205 THIRD AVE	AK	99508-0000
	ANCHORAGE		
DEGUZMAN, GLORIA	POSTFACH 269 8100	FA	00000-0000
	GARMISCH PARTEN		
	GERMANY		
DEORA, JOAN R	10125 PINE SPRINGS DR	AZ	85713-0000
	SUN CITY		
DESIGN LIFTS LTD	9806 45TH AVE EDMONTON	FA	00000-0000
	ALBERTA, CANADA		





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## NOTICE OF PUBLIC INFORMATION

GAPASIN, ANGELITA A	1025 NORTH REGAL CANYON DRIVE WALNUT	CA	91789-0000	GRAHAM, JACK	4535 HARBOR DR STOUK CITY	IA	51111-0000
GAPASIN, CRESCENCIO U	1025 NORTH REGAL CANYON DRIVE WALNUT	CA	91789-0000	GRANGER, FRED	249 VEDFORD STREET OTYOMA	CA	90000-0000
GENERAL ACCIDENT INS	PO BOX 40326 PHILADELPHIA	PA	19106-0000	GRIER, JOHN W	1333 EAST 142 EAST CLEVELAND	OH	44112-0000
GEORGE, PATRICIA	ROUTE 1 BOX 505 LAKE PARK	GA	31636-0000	GUERRA, AQUILES	QUIEBRAYUGOS 4730 MONTEVIDEO URUGUAY	PA	90000-0000
GEORGE WASHINGTON UNIV		DC	00000-0000	GUSTAFSON, MAXINE M	2234 E DUDLEY INDIANAPOLIS	IN	46260-0000
GEORGE WASHINGTON UNIVERSITY		DC	00000-0000	GUSTAFSON, NANCY	2234 E DUDLEY INDIANAPOLIS	IN	46260-0000
GHTTIS, MARYA	368 COMMON ST BELMONT	MA	02178-0000	HAMILTON, SHEILA	4601 E SKYLINE DR TUCSON	AZ	85718-0000
GHTTIS, MORRIS	368 COMMON ST BELMONT	MA	02178-0000	HAN DEUNG INC	BIK KU 516 1 HYOSUNG DONG INCHON 403 KOREA	FA	00000-0000
GLOBE SECURITY SYS INC	2 CAMPUS DR PARSIPPANY	NJ	07054-0000	HANSEN, INA	1607 W 12TH ST DAVENPORT	IA	52804-0000
GOLDEN, JOY	1270 N COOK SPRINGS RD PELL CITY	AL	35125-0000	HARE, DENNIS	217 WOODWARD ESTATES BESSEMER	AL	35020-0000
GOMEZ, ERNESTO A	COL ALAMEDA TAMAULIPAS 302 CELAYA GT MEXICO	FA	00000-0000	HARTMAN, LOUISE	36 ASH ST FLORAL PARK	NY	11001-0000
GONZALES & ALONSO ATTY	STE 1819 BANCO POPLAR CTR BL HATO RE PUERTO RICO	FA	00918-0000	HAYASHIDA, JAMES	802 MAPUNAPUNA RD HONOLULU	HI	96819-0000
GONZALEZ, IRMA	13 FEDERAL STREET CLIFTON	NJ	07171-0000	HEINEMAN, ERIK	ERASMUS UNIVERSITY ROTTERDAM CORDELM NETHERLANDS	FA	00000-0000
GOOD WORD INC	95 POQUINOCK AVE MINDSOR	CT	06095-0000	HERNANDEZ, CAROL D	CIVIL COURTS BLDG 100 HOUSTON FORT WORTH	TX	76196-0260
GOODMAN HUDNALL COHN & ABRAMS	SUITE 200 780 JOHNSON FERRY RD ATLANTA	GA	30342-0000	HERNANDEZ, CECELIO R	306 NICOLAS BRAVO VILLA GONZALES TAM		

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF PUBLIC INFORMATION

HERNANDEZ, CECILIO	MEXICO	FA	00000-0000
306 NICOLAS BRANO VILLA GANZALES MEXICO			
HOLMES, JOHN J	112 PETUNIA AVENUE PITTSBURGH	PA	15229-0000
HOLMQUIST, GUY W	RT 4 BOX 318 NEW TAYWELL	TN	37825-0000
HOLZER, JOSEPH	APT 204 13281 E ASHURBY DR AURORA	CO	80014-0000
HOSPITAL INFANTIL DE TAMAILIPAS	CALZ GRAL LUIS CABALLERO VICTORIA MEXICO	FA	00000-0000
HOTCHANDANI, CHAND G	BELIZE COROZAL RD GRANDE WALK TOWN BELIZE	FA	00000-0000
HOTCHANDANI, NIMMO S	PO BOX 830 BELIZE CITY BELIZE	FA	00000-0000
HOTCHANDANI, SUNDER M	PO BOX 830 BELIZE CITY BELIZE	FA	00000-0000
HOWARD, GABRIELE	2818 CUERRO DRIVE NE ALBUQUERQUE	NM	37110-0000
HQ ALLIED FORCE SO EUROPE	PIAZZA POZZA OFFICE VERONA ITALY	FA	00000-0000
HSABENZADEH, A	GHAM HOSPITAL MASHHAD IRAN	FA	00000-0000
HUANGCHY, TIEN WEI	YUNGKANG ST FL 345 LILY ST TAIPEI TAIWAN	FA	00000-0000
HUTCHINS, ELIZABETH	507 PINE ST 3 PHILADELPHIA	PA	19106-0000

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF PUBLIC INFORMATION

I SHENG ENTERPRISE CO LTD	I HSUEH CHUN TAI SHAN HSIANG TAIPEI HSIEN TAIWAN	FA	00000-0000
IBM CANADA LTD	3500 STELLER AVE E 33 814 MARKHAM ONT CANADA	FA	00000-0000
INDIANA PACERS		IN	00000-0000
INNOVATIVE ELECTRONICS	1600 PENNSYLVANIA AVE YORK	PA	17404-0000
INTERCITY CONSTRUCTION LTD	EDMONTON 4027 9TH ST ALBERTA CANADA	FA	00000-0000
INTERNAL REVENUE SERVICE	2ND FLOOR 841 CHESTNUT ST PHILADELPHIA	PA	19107-0000
IRS	PO BOX 57 BENSALAM	PA	19020-0000
J T BAKER CHEMICAL CO	222 RED SCHOOL LANE PHILLIPSBURG	NJ	08865-2210
JEROME MEDICAL	309 FELLOWSHIP RD MOUNT LAUREL	NJ	08054-0000
JOHNSON, JOSEPH	35 E HIGH STREET PHILADELPHIA	PA	19144-0000
JONES, ANTONIO R	7 LABETTE COURT LITTLE ROCK	AR	72205-0000
KALACANOVIC, ROSANDA	11500 VOJNISICA 166 OBRENOVAC YUGOSLAVIA	FA	00000-0000
KANSAS CITY CITY TREASURER		MO	00000-0000
KANSAS STATE OF		KS	00000-0000
KATKAT, MUSTAFA	PO BOX 621321 AMMAN JORDAN	FA	00000-0000
KATKAT, MUSTAFA	PO BOX 621321 ALSHE AYLEYAH AMMAN JORDAN	FA	00000-0000
KEYSTONE DRUG	7328 MAPLE ST		

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

KIBBY, JAMES	LA	70183-0000	HARAHAN
			15 BANK STREET
	PA	16701-0000	BRADFORD
KILROY, ROBERT J	IN	46032-0000	9998 N MICHIGAN ROAD
			CARMEL
KINGSTON SCHOOL			PO BOX 295
	PA	00000-0000	630 PINE RIDGE AVE
			KINGSTON NS CANADA
KISTLER, MAX	PA	00000-0000	RECKENHUGHSTR 1
			LUCERNE SWITZERLAND
KITCHENS PLUS INC	NJ	08753-0000	145 WHITESVILLE RD
			TOMS RIVER
KLINE, KEITH	LA	70056-0000	APT 1 203 3320 WALL BLVD
			GRETNA
KOPECKY, JAMES J	PA	00000-0000	1 STONE RD E
			GUELPH NIG LWS
			ONTARIO CANADA
KRAUSE, FRED	PA	00000-0000	AM SCHWANTEICH
			5483 BAD NEUENHAR
			GERMANY
KRAUSE, KUPT	PA	00000-0000	AM SCHWANTEICH
			5483 BAD NEUENHAR
			GERMANY
KYARSGAARD, TWILA	LA	57732-0000	343 FIFTH AVENUE S
			CLINTON
LA BRITANICA	PA	00000-0000	PO BOX 8584
			LA PAZ BOLIVIA
LACUARDEA, FRANCISCO	PA	00000-0000	CREEL GARCIA
			CUELLEY Y MU
			11700 MEXICO
LANNK COUNTY BD OF EDUC	PA	00000-0000	15 VICTORIA ST
			PERTH ONT CANADA
LANTIER WORLDWIDE INC	GA	30398-0000	98 ANNEX BOX 810
			ATLANTA

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

LAURENT, GEORGES C	OH	45387-0000	240 KING STREET
			YELLOW SPRINGS
LAVIANNIA CALLESS	PA	00000-0000	336 VILLA LA HAC MERIDA
			YUCATAN XM 97
			MEXICO
LAWRENCE, RAY V	AL	36104-0000	APT 22 547 S PERRY ST
			MONTGOMERY
LENKE, ROLAND	CA	94151-0000	3825 ARMY STREET
			SAN FRANCISCO
LERETTE, CHAD	AZ	86326-0000	PO BOX 1955 LLE
			COTTONWOOD
LEVETT, JEFFREY	PA	00000-0000	ILIA ROCAKOU 2
			ATHENS GREECE
LIBKUMAN VENTURA MOON	HI	96813-0000	MAUIA TOWER SUITE 3000
			717 BISHOP ST
			HONOLULU
LINK AMERICA	NJ	00000-0000	321 PALMER ROAD
			DENVILLE
LONGMAN GROUP UK LIMITED	PA	00000-0000	4TH AVE HARLOW
			PO BOX 88
			ESSEX ENGLAND
LONGMONT CITY OF	CO	80321-0000	PO BOX 5346
			BOULDER
LOTUS SUBSCRIPTION DEPARTMENT	PA	00000-0000	YEOCHEIN SHI CHOLLANAM
			DO 555 280
			KOREA
LUCKY CO LTD	PA	00000-0000	20 YOIDO DONG
			YONG DUNG PO GU
			KOREA
LUCKY LTD	TX	77001-0000	2351 CLAREMONT LANE
			HOUSTON
LUNAR INVESTMENTS	TX	77082-0000	12602 C ASHFORD MEADOW
			HOUSTON
LYELL, REBECCA			

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

MADDEN CORP	99 880 IWAENA STREET ALEA	HI	96701-3202
MANAGEMENT SERVICE INC	PO BOX C 5009 WARMINSTER	PA	18971-0000
MANAGER ADSD FINANCIAL PLANNING	1285 BOSTON AVE BRIDGEPORT	CT	06602-0000
MANDORA, RICHARDO	MANAGUS	PA	00000-0000
MANOR MOTORS	EL PENNY RUN	PA	15765-0000
MAPLE GROVE PLASTICS	BOX 40 LAUDER MANITOBA CANADA	PA	00000-0000
MARLETTE, JANET	2907 WEST 34TH ST DAVENPORT	IA	52806-0000
MARLETTE, PERRY	2907 WEST 34TH ST DAVENPORT	IA	52806-0000
MARRIOT RIVER CENTER	101 BOWIE STREET SAN ANTONIO	TX	78205-0000
MARTINEZ, ROSA	CALLE Y COLONIA MONSERAT 255 SAN SALVADOR	PA	00000-0000
MCCARTHY, REBECCA A	SHEPARD	MS	38669-0000
MCCANN, B	1521 S BROADWAY CLEVELAND	TN	37311-0000
MCI TELECOMMUNICATIONS	PO BOX 371392 PITTSBURGH	PA	15250-7392
MEDICARE THE TRAVELERS	PO BOX 10046 AUGUSTA	GA	30999-0001
MELLO, A B	S 11000 GRADY SVR 405 TOMAS DIVINEX MEXICO	PA	00000-0000
METRO LIFE INS CO	1130 N CHASE PKWY MARLETTA	GA	30667-0000

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## NOTICE OF PUBLIC INFORMATION

METROMEDIA	PO BOX 13602 PHILADELPHIA	PA	19101-3602
METROPOLITAN LIFE	SUITE 4000 600 GRANT ST PITTSBURGH	PA	15219-2702
METROPOLITAN LIFE	TWO WELDON BANK CT PITTSBURGH	PA	15219-0000
METROPOLITAN LIFE INS	2130 NORTH CHASE PKWY MARLETTA	GA	30067-0000
MIDWEST SPRING CO	544 PUSEY AVE COLLINGSDALE	PA	19023-0000
MISSOURI STATE MED A		MO	00000-0000
MOLERWAY FREIGHTLINES INC		MT	00000-0000
MORRIS, ALEX	APT 56234 NE 2625 PIEDMONT ROAD ATLANTA	GA	30324-0000
MORRIS, GENEVA E	2625 PIEDMONT ROAD ATLANTA	GA	30324-0000
MORRISON, PATRICIA A	5707 CREEK BRANCH COVE AUSTIN	TX	78744-0000
MORRISON, V	3005 ESSEX ATLANTA	GA	30342-0000
MURATA, NAGAYOSHI	MINATO KU 2 6 3 SHIBA KORN TOKYO JAPAN	PA	00000-0000
MYRDAL, RANDOLPH	3 BALA PLAZA ST BALA CYNWID	PA	19004-0000
NATCARGA DE LA LAGUNA SADE CV	TUXCAN NO 39 DESP 702 COL ROMA SUR CP	PA	00000-0000
NATIONAL BEN FRANKLIN	2 CORP PLACE PISCATAWAY	NJ	08854-0000
NATIONAL UNION FIRE INS	EAST ORANGE STATION PO BOX 1415 EAST ORANGE	NJ	00000-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

NATL STUDENT NURSES ASSN	PITMAN	NJ	00000-0000
NATSUMOTO, SAYURI	SANDA CITY OKAWASEDO NO 01409 124 HY JAPAN	FA	00000-0000
KAYA, JUAN	973 LORLYN DR 3B	FA	00000-0000
NEW JERSEY LAWYERS FUND	R HUGHES COMPLEX 25 W MARKET CN 961 TRENTON	NJ	08625-0000
NEW YORK CITY FIRE DEPARTMENT		NY	00000-0000
NEW YORK STATE INCOME TAX		NY	00000-0000
NEW YORK STATE UNIVERSITY		NY	00000-0000
NEW YORK TIMES SALES INCORP	PO BOX 799 OR	NY	00000-0000
NORMAN, KENT	1599 WALLACE ROAD LIBRARY	PA	00000-0000
NORTH CAROLINA FOUNDATION		NC	00000-0000
NORTHWESTERN NATIONAL	5900 PRINCESS GARDEN PKWY LANHAM	MD	20706-0000
NOSS, MICHAEL R	3911 LENNON AVENUE DALLAS	TX	75219-0000
NYC HEALTH & HOSPITAL CO		NY	00000-0000
ORRINE, MARY E	RR 6 BOX 202 PELL CITY	AL	35125-0000
OTTINGER, DAVID	ST THOMAS VIRGIN ISLANDS	FA	00802-0000
OKLAHOMA STATE MEDICAL		OK	00000-0000
OLIVE, CAROL	2182 CARSTENSEN 109 GREENBAY	WI	54304-0000
OLIVE, DAVID	2182 CARSTENSEN 109 GREENBAY	WI	54304-0000

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

ONCOLOGY NURSING SOCIETY	BOX 56 NORTH WOODBURY RD PITMAN	NJ	08071-0000
ORGANIZATION PLUS	9108 GLENWOOD OVERLAND PARK	KS	66212-0000
OTTO DRUGS	121 BADGER AVE READING	PA	19612-3455
PANHANDLE EASTERN CO	PO BOX 2521 HOUSTON	TX	77252-2521
PELLETIER, MARIE I	PO BOX 285 BAHAMAS	FA	00000-0000
PEN SUPREME	1863 CHARTER LANE LANCASTER	PA	17604-0000
PENNSILVANIA BOARD OF LAW		PA	00000-0000
PEOPLES NATURAL GAS	PO BOX 209 DUBUQUE	IA	52001-0000
PETERSON, JULIE	309 DELMONT DR ATLANTA	GA	30305-0000
PHILLIPSSMITH, BEA	311 S HARRISON AVE KIRKWOOD	MO	63122-0000
PHILLIS, J R	22 PARKSIDE KNIGHTSBRIDGE LONDON ENGLAND	FA	00000-0000
PIERCE, NORMAN	POSTFACH 269 8100 GARMISCH PARTEN WEST GERMANY	FA	00000-0000
PIERSON, JEANNIE	1320 N ALLISON STREET PHILADELPHIA	PA	19103-0000
PINTO, WILLIAM	3 SOUTH LAGAN AVE AUDUBON	NJ	08106-0000
PIP PRINTING	3283 6TH STREET SW CEDAR RAPIDS	IA	52404-0000
PLEWY CORP	3500 PARKWAY 730 NORCROSS	GA	30092-0000



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF PUBLIC INFORMATION

POE, BRIAN H	BOX 5262 APO NEW YORK	FA	09286-0000	RAJNA, DIMIC	RAJNA, DIMIC	FA	00657-0000
POE, GAIL H	BOX 5262 APO NEW YORK	FA	09286-0000				11500 VOJNISICA 166 OBERNOVAC YUGOSLAVIA
POPE, CHUCK	790 22ND ST MARION	IA	52302-0000	RAMIREZ, MARATHA	RAMIREZ, MARATHA	TX	77038-0000
POST MASTER	1802 MORNINGSIDE AVE STOUC CITY	IA	51106-0000	RANARD & SEIGERS IMPLEMEN	RANARD & SEIGERS IMPLEMEN	IA	50677-0000
PRINCE, MARCELLA H	HIBERNIA	NJ	07842-0000	REEVES, WALTER L	REEVES, WALTER L	SC	29611-0000
PRINCIPLE MUTUAL LIFE	711 HIGH STREET DES MOINES	IA	50309-0000	REFRACTORIES INSTITUTE	REFRACTORIES INSTITUTE	PA	15222-3907
PROVINCE OF ST J	CANADA	FA	00000-0000	RELATO, FLORENCIA	RELATO, FLORENCIA	FA	00000-0000
PRUDENTIAL	PO BOX 515 PITTSBURGH	PA	15230-0000	RELATOR, FLORENCIA	RELATOR, FLORENCIA	FA	00000-0000
PUNCH PUBLICATIONS LTD	PO BOX 900 MT ARLINGTON	NJ	07856-0000	RELIANCE INDUSTRIES	RELIANCE INDUSTRIES	FA	00000-0000
PMB CIRCUITS SMD BHD	MLK 1 82 MILTON KEYNES BUCKS ENGLAND	FA	00000-0000	RELANCE INSURANCE	RELANCE INSURANCE	PA	19103-0000
QUEENSLAND TRANSPORT	15 JALAN MANGGA 6 MILES TAMPOI JOHOR MALAYSIA	FA	00000-0000	RICHARDSON, CHAS	RICHARDSON, CHAS	AZ	85023-0000
QUISQUEYA AUTO REPAIR CORP	OLD G P O BOX 1412 04001 BRISBANE AUSTRALIA	FA	00000-0000	RICHARDSON, GAY	RICHARDSON, GAY	AZ	85023-0000
RADIO COMMUNICATION CO	288 MUNOZ RIVERA HAYO XEH PUERTO RICO	FA	00918-0000	RIEGLER, ADELIN L	RIEGLER, ADELIN L	MI	49440-0000
RADVILLE SCHOOL DISTRICT 67	2131 NORTH TOWNE LANE NE CEDAR RAPIDS	IA	52404-0000	RIVERA, JULIO O	RIVERA, JULIO O	FA	00918-0000
RAFAEL, C S	BOX 189 RADVILLE SASK CANADA	FA	00000-0000	RIVERA, JULIO O	RIVERA, JULIO O	FA	00918-0000

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11500 VOJNISICA 166 OBERNOVAC YUGOSLAVIA		FA	00000-0000
13303 QUITWOOD CT HOUSTON		TX	77038-0000
HWY 298 SOUTH WAYTERLY		IA	50677-0000
LOT 13 2011 OLD ANDERSON RD GREENVILLE		SC	29611-0000
SUITE 1160 650 SMITHFIELD STREET PITTSBURGH		PA	15222-3907
608 CABRAL ST EMITA MANILLA PHILIPPINES		FA	00000-0000
608 CABRAL ST EMITA MANILLA PHILIPPINES		FA	00000-0000
222 NABIMAN POINT BOMBAY 40002 INDIA		FA	00000-0000
4 PENN CENTER PLAZA PHILADELPHIA		PA	19103-0000
1656 W TIERRA BUENA 122 PHOENIX		AZ	85023-0000
1656 W TIERRA BUENA 122 PHOENIX		AZ	85023-0000
2236 HENRY ST MUSKOGON		MI	49440-0000
CONDO MIDTOWN 421 MUNOZ RIVERS AVE H PUERTO RICO		FA	00918-0000
SUITE 631			

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ROSINANGELISTA, JRSA O	1360 E RIVIERA MOBILE	AL	36605-0000
ROUTREE, WADE	OST JONGELOEDSTRAAT AALL CURACAO	FA	00000-0000
S A BROTHER PVT LTD	PO BOX 7152 WARNER ROBINS	GA	31095-0000
SAITO, TARANOR	PLOT 77 78 SECTOR I 9 PAKISTAN	FA	00000-0000
SAM JIN CHEMICAL CO	604 WESTGATE 21 IOWA CITY	IA	52246-0000
SAM SUNG SCREEN PRINTING CO	ANSAN CITY KYUNGKI DO 425 190 KOREA	FA	00000-0000
SANCHEZ, LUPE	KUNPO SI 178 3 KUMJUNG 3 DONG DYONGK KOREA	FA	00000-0000
SANTOS, JOSE	SAN HIPNITO 31 SANTA M TLANEPANTLA MEXICO	FA	00000-0000
SCHETTLER DRUG STORE	SAN CARLOS CALLE FRANCISCO CLEANOVA 32800	FA	00000-0000
SCISM, GARY	5085 WEST HEIMER LITTLE ROCK	AR	72203-0000
SCOTT, JANIS	ROUTE 1 OIL CAMP RD MARIETTA	SC	00000-0000
SCRASE, SANDRA J	28 RIVERBEND RIVERSIDE	AL	35135-0000
SEBASTIAN, ELLEN W	85 ELK ROAD LEADVILLE	CO	80461-0000
	PO BOX 4131 AGANA	CA	96910-0000

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SEJIN INDUSTRIAL CO LTD	SBO KU 217 1 GAWA DONG INCHON CITY KOREA	FA	00000-0000
SENECOFF, BLANCHE G	10275 COLLINS AVE BAL HARBOUR	FL	33154-0000
SHIN YU ART CO LTD	TOUFEN LIN 8 CHIEN SHIA LI MIAO LI TAIWAN	FA	00000-0000
SIMPSON, MICHAEL A	PRETORIA 0001 TRANSVAAL PO BOX 61 SOUTH AFRICA	FA	00000-0000
SMITH, A L	311 S HARRISON AVE KIRKWOOD	MO	63122-0000
SPRINGBERG, MARY B	1737 ARROWHEAD DR BELOIT	WI	00000-0000
ST AGNES HOSPITAL & THEIR ATTORNEYS	18TH FLOOR 1 LIBERTY PLACE PHILADELPHIA	PA	19103-0000
STADLIN, ALEXANDER	3 WOODPECKER CLOSE COBHAM SURREY ENGLAND	FA	00000-0000
STADLIN, BARBARA L	3 WOODPECKER CLOSE COBHAM SURREY ENGLAND	FA	00000-0000
STANOVCAK, JEROME	10838 STEPPINGTON 2402 DALLAS	TX	75230-0000
STERLING METALWARE	2135 E WESTMORELAND ST PHILADELPHIA	PA	19133-0000
STIGLICH, SHARON	4322 W VERNER DETROIT	MI	48209-0000
STIVER, JOHN A	710 OLD CLAITON RD PITTSBURGH	PA	15236-0000

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STONEFIELD, STEPHEN	1 1 3 OTEMACHI CHIYODAKI TOKYO JAPAN	FA	00000-0000	TRAVELERS ADMINISTRATION	PO BOX 1127 BLUE BELL	PA	19422-1127
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TANKA, STEPHANIE	3825 S E 31ST ST TOPEKA	KS	66605-0000	TRILOG INC	PO BOX 2975 HARTFORD	CT	06104-0000
TCS MANAGEMENT GROUP INC	SUITE 800 110 25TH AVE NORTH BIRMINGHAM TOWER NASHVILLE	TN	00000-0000	TSAO SHIN ELECTRIC CO LTD	CHUAN JENN NO 11 SHY WEI ST MIAO LI TAIWAN	FA	00000-0000
THOMAS, CHRIS	PO BOX 37 ADAMANT	VT	05640-0000	TURK TAPIPLERI BIRLIGI	MERKEZ KONSEYO BASKANLICO TURKITE TURKEY	FA	00000-0000
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TILDEN COMMERCIAL	PO BOX 440 JERSEY CITY	NJ	07303-0000	ULLOA, GLORIA	TEMPO BETSEDA BARLO MANCIEN HONDURAS	FA	00000-0000
TOMASSON, GUNAR	BAONRAUT 20 KOPAVOUR	FA	00000-0000	UNIPOLY ELECTRIC CO	RM 333 3 F BLK 4 Kwai Chung PTV EST KOWLOON NT HONG KONG	FA	00000-0000
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UPSALA COLLEGE INA		
USPS, YOLANDA	NJ	07306-0000
US WEST	FA	00000-0000
USSR CHAMBER OF COMMERCE	IA	50309-0000
VARADY, ROBERT	FA	00000-0000
VIGORTONE AG PRODUCTS INC	NJ	07306-0000
VIRGINIA DEPT OF TAXATION	IA	52404-0000
VITAS, MULSENER	FA	00000-0000
WADDELL, JONI L	FA	00000-0000
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WESSELHOPT, DANIEL E	AZ	85023-0000
WEST VIRGINIA UNIV H	MO	63857-0000
WESTINGHOUSE ELECTRIC CORP	WV	00000-0000
ENG SERC DIV	PA	15205-4390
WHITE AND WILLIAMS ATTY	PA	19103-0000
WILLIAMS, NOREEN	MA	02193-1001
WILLIAMS, RILEY	PA	19144-0000
WILSON, CHARLES	NJ	07017-0000
WILSON, HARRIE	NJ	07017-0000
WING WAH CHONG INVESTMENT	FA	00000-0000
WYOMING STATE MEDICAL SCHOOL	WY	00000-0000
XEROX SERVICE CENTER	CO	80231-0000

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TOYKO JAPAN FA 00000-0000

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DETROIT MI 48202-0000

MADENIL EL OMAL  
EGYPT FA 00000-0000

TAN TZE HSIANG  
TAICHUNG HSIEN  
TAIWAN FA 00000-0000

806 5TH ST  
DELANO NJ 08075-0000

YOUNG, DELANO

YOUSSEF, HAMDY

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CO LTD

ZUSIN, STEPHEN

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 5, 1997 through August 11, 1997 and have been scheduled for review by the Committee at its September 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/18/97	Department of Nuclear Safety, Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 401)	5/23/97 21 Ill Reg 6156	9/16/97
9/18/97	Department of Insurance, Long-Term Care Partnership Insurance (50 Ill Adm Code 2018)	3/7/97 21 Ill Reg 2890	9/16/97

## PROCLAMATION

97-415

## DRUG-FREE YOUTH DAYS

Whereas, the Illinois Drug Education Alliance (IDEA) is presenting its 15th Annual Drug Prevention Conference, "The FORCE of the FUTURE-DRUG FREE", on November 23-24 in Chicago; and

Whereas, the Illinois Drug Education Alliance feels strongly: "It is better to build children than to repair men and women;" and

Whereas, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco and other drug problems and they start and provides hope for affecting individual and community change to stop unhealthy behaviors; and

Whereas, more than 100,000 Illinois young people, dedicated to the "Drug-Free" lifestyle, will participate in drug prevention education and leadership training. These young people carry the "Drug-Free" message back to their schools and communities and become role models for their peers; and

Whereas, educators, parents, volunteers and other adults will attend and participate in the 15th Annual Illinois Drug Education Alliance Conference. These adults will train, encourage and support young people in their choice of the "Drug-Free" lifestyle; and

Whereas, the Illinois Drug Education Alliance stands firmly with the Illinois Department of Human Services and all of its supporting agencies: Office of the Governor; Office of the Lieutenant Governor; Office of the Attorney General; Office of the Secretary of State; Illinois Department of Transportation; Division of Traffic Safety; Illinois State Police; Illinois State Board of Education; Drug Enforcement Administration; U.S. Customs Service; IADDA/Operation Snowball; University of Illinois Cooperative Extension Service; Illinois Elks Association, and with the many other state and national organizations that encourage the promotion of sound drug prevention programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23-24, 1997, as **DRUG-FREE YOUTH DAYS** in Illinois in recognition of the Illinois Drug Education Alliance and its supporting agencies in bringing a "Drug-Free" message to the youth of our state.

Issued by the Governor July 24, 1997.  
Filed by the Secretary of State August 4, 1997.

97-416

## ETTA MOTEN BARNETT DAY

Whereas, Etta Moten Barnett has long been involved in the arts; and

Whereas, Etta Moten Barnett has performed in numerous Broadway and film performances, including "Annie and the Boys", "Fast and Furious", "Sugar Hill", "Zombie", "Lysistrata", and "Fly by Night to Rio"; and

Whereas, Etta Moten Barnett has long been a patron of the arts, and has been a dedicated public servant; and

Whereas, the Links, Inc., North Shore Illinois Chapter will honor Etta Moten Barnett on her 96th birthday with a gala celebration at the Art Institute of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 6, 1997, as **ETTA MOTEN BARNETT DAY** in Illinois.

Issued by the Governor July 24, 1997.  
Filed by the Secretary of State August 4, 1997.

97-417

## U.S. DEPARTMENT OF VETERANS AFFAIRS PUBLIC AFFAIRS RECOGNITION WEEK

Whereas, the Department of Veterans Affairs Office of Public Affairs (OPA) and public affairs officers at VA facilities across the nation strive to publicize and promote those benefits and services available to more than 26 million courageous veterans each year; and

Whereas, the mission of the VA Office of Public Affairs is to provide broad-based professional advice and counsel to VA facilities on all public affairs issues and at all levels; and

Whereas, the VA Office of Public Affairs will hold their annual OPA Training Conference in Chicago on August 4-7, 1997; and

Whereas, the purpose of the conference is to give public affairs officers the opportunity to increase their professional skills and knowledge in order to better serve VA and American's veterans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 3-9, 1997, as **U.S. DEPARTMENT OF VETERANS AFFAIRS PUBLIC AFFAIRS RECOGNITION WEEK** in Illinois.

Issued by the Governor July 24, 1997.  
Filed by the Secretary of State August 4, 1997.

97-418

## AMERICAN EDUCATION WEEK

Whereas, American Education Week was established in 1921 and is designated to increase public understanding and appreciation of the nation's schools, to encourage parents and nonparents to visit schools and to build civic and community pride and support for education; and

Whereas, sponsors for this year's American Education Week are the U.S. Department of Education, the National Education Association, the National Parent Teachers Association, the American Legion, the American Association of School Administrators, the National School Boards Association, the American Federation of Teachers, the Council of State School Officers, the National School Public Relations Association, the National Association of State Boards of Education, the National Association of Elementary School Principals and the National Association of Secondary School Principals; and

Whereas, the Champaign County Chamber of Commerce's Education Committee is holding a press conference on November 17, 1997, at Jefferson Middle School, Champaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16-22, 1997, as **AMERICAN EDUCATION WEEK** in Illinois in honor of the national observance.

Issued by the Governor July 28, 1997.  
Filed by the Secretary of State August 4, 1997.



97-419

## RESPECT LIFE WEEK

Whereas, the Preamble of the Constitution of the United States was designed for the people of this land to "secure the blessings of liberty to ourselves and our posterity;" and

Whereas, the Declaration of Independence states that we are endowed by our creator with the inalienable rights of life, liberty and the pursuit of happiness; and

Whereas, the Respect for Life program began as a national week of prayer and study, and the purpose of Respect Life Week is to remind the American people of the dignity of human life; and

Whereas, the Knights of Columbus, a co-sponsor of Respect Life Week, have a deep concern for children, the mentally handicapped, the disabled, the aged and the unemployed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-12, 1997, as **RESPECT LIFE WEEK** in Illinois.

Issued by the Governor July 28, 1997.

Filed by the Secretary of State August 4, 1997.

97-420

## BLACK ON BLACK LOVE (BOBL) COMMEMORATED

Whereas, the purpose of Black on Black Love (BOBL) is to break the cycle of crime in our society by offering programs and services which offer alternatives to this lifestyle as well as nurture self-discipline; and

Whereas, BOBL was founded in January 1983 by Edward Gardner in response to a random act of violence in which a woman was murdered; and to help break the cycles of violence within the black community; My Sister's Keeper, which is an after care program for female ex-offenders; Chicago No Crime Day; Cook County Jail monthly programs; and the Cultural Art Center in public housing; and

Whereas, Chicago No Crime Day, the largest event sponsored by BOBL, is a citywide effort involving representatives of city agencies, law enforcement, civic and community groups, political organizations, the clergy and small and large businesses; and

Whereas, the intent of Chicago No Crime Day is to promote peace, love, respect and self-discipline as alternatives to violence and criminal acts; and

Whereas, to raise funds to support the Chicago No Crime Day, the 2nd annual Women's Prayer Breakfast "Peace Through Prayer and Action" will be held on August 2, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend those working to unite our communities.

Issued by the Governor July 29, 1997.

Filed by the Secretary of State August 4, 1997.

97-421

## HISPANIC ILLINOIS STATE LAW ENFORCEMENT DAY

Whereas, the Hispanic Illinois State Law Enforcement Association (HISLEA) is a nonprofit organization whose primary objective is to offer support to Hispanic law enforcement officers; and

Whereas, HISLEA works closely with other Hispanic organizations to ensure that Hispanics are treated fairly and are considered for top administrative appointments; and

Whereas, HISLEA, along with the United States Marine Corps and various other police agencies, supported the Toys for Tots campaign and worked with Mujeres Latinas En Accion in Domestic Violence and Child Abuse Awareness training; and

Whereas, HISLEA grants scholarships for graduating high school students pursuing a college education in law enforcement;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 6, 1997, as **HISPANIC ILLINOIS STATE LAW ENFORCEMENT DAY** in Illinois and recognize the efforts of the association has made to advance law enforcement careers and professions to our citizens.

Issued by the Governor July 30, 1997.

Filed by the Secretary of State August 4, 1997.

97-422

## ILLINOIS RECYCLES DAY

Whereas, the recycling industry in Illinois offers diverse methods for commercial use of discarded materials, thereby conserving valuable natural resources and landfill space; and

Whereas, the purchase of products made from recycled materials is a final and necessary step in the recycling process, thereby creating economic demand for collected recyclables; and

Whereas, a strong recycling industry contributes to the economic strength of the State of Illinois, provides high quality jobs and enhances the potential for export of Illinois-produced goods;

Whereas, an efficient community-based collection and processing system provides recycled feedstock for a viable Illinois-based recycling industry; and

Whereas, recycling and waste reduction are enhanced by the implementation of innovative technologies supported by research and demonstration programs;

Whereas, a comprehensive education program increases awareness and participation in recycling activities among students, businesses and the general public in Illinois; and

Whereas, the Solid Waste Management Act designates the Illinois Department of Commerce and Community Affairs (DCCA) with the responsibility of lead agency in implementing and encouraging development of such waste reduction and recycling programs in Illinois; and

Whereas, with DCCA's support, Illinois joins with other states in the nation celebrating America Recycles Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1997, as **ILLINOIS RECYCLES DAY**. I ask all citizens, businesses, civic groups, government agencies, schools and other organizations to work together to save resources by recycling, to support recycling by purchasing items with recycled-content, and to participate in Illinois Recycles Day events as coordinated by the Illinois Department of Commerce and Community Affairs (DCCA).

Issued by the Governor July 30, 1997.

Filed by the Secretary of State August 4, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by title number and issue number. For example, 30 III. Adm. Code 4401 published in Issue 40 will be designated as 30 III. Adm. Code 4401-R, where the letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index are published in Issues 17 through 28. The quarterly Sections Affected Index is published in Issues 29 (July 15), Issue 42 (October 17), and Issue 3 (January 16, 1998). Inquiries about the Issues Index should be directed to the Administrative Code Division at 217-782-4414 or jstatal@ccgate.sos.state.il.us (Internet address).

<b>PROPOSED</b>	83-415-31	23-2763-32	<b>PEREMPT.</b>
14-130-34	83-765-33	23-2764R-32	8-125-34
14-150-31	86-1910-31	23-2764-32	
14-165-31	89-148-30,31	23-2765R-32	
14-170-31	89-220-31	23-2765-32	
14-178-31	89-230-31	23-2770R-32	
17-605-31	89-240-31	23-2770-32	
35-205-30		23-2771R-32	
35-205-30		23-2771-32	
35-367-32		23-2790-32	
35-368-32		23-2790-32	
35-602-31	14-550-30	23-3065-34	
35-603-31	17-590-34	23-3069-34	
35-702-32	17-780-34	26-100-31	
35-703-32	17-1885-34	32-331-32	
35-720-32	20-110-30	35-390-31	
35-721-32	23-25-33	38-1050-32	
35-722-32	23-625-33	44-650-32	
35-723-32	23-2700-32	56-205-32	
35-724-32	23-2720-32	68-1456-34	
35-725-32	23-2721R-32	80-2650-33	
35-726-32	23-2721-32	80-2700-32	
35-728-32	23-2730-32	80-3100-31	
35-733-32	23-2730-32	83-335-30	
35-735-32	23-2731R-32	89-120-33	
35-739-32	23-2731-32	89-140-30,33	
50-2012-33	23-2732-32	89-302-32	
56-6000-30	23-2732-32	89-303-32	
68-1220-32	23-2733R-32	92-1000-32	
68-1465-34	23-2733-32	92-1040-32	
71-400-30	23-2735-32	92-2500-33	
71-2005-30	23-2735-32		
77-205-30	23-2768-32	<b>EMERGENCY</b>	
77-280R-33	23-2766-32		
77-550-33	23-2768-32	14-130-30	
77-560-33	23-2768-32	35-602-31	
77-591-34	23-2768-32	35-603-31	
77-602-30	23-2768-32	68-1465-34	
80-303-32	23-2768-32	71-400-30	
80-303-32	23-2768-32	80-303-32	
80-310-31	23-2768-32	80-310-31	
	23-2768-32	83-765-33	
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